

LIVERPOOL HOPE UNIVERSITY
THRM001 Theological Issues in Judaism

Prof Bernard Jackson

2012-2013

Nov 12th	Introduction to Jewish Theology; the Status of the Hebrew Bible and the Orthodox claim of a "Dual Torah"
Nov 19th	Second Commonwealth Controversies: Prophecy, Law and other issues
Nov 26th	Jewish Theology and the Enlightenment, as reflected in Creed, Liturgy and Mysticism
Dec 3rd	Holocaust Theology, including Jewish views of its impact on understandings of the covenant
Dec 10th	Theological issues underlying internal Jewish controversies in the modern State of Israel.

Module Lecturer Prof. Bernard Jackson

Office Hours Monday afternoons in FML 0118, 4.00-5.00 (during the unit). For availability at other times of the year, e-mail jacksob@hope.ac.uk and you will get an auto-reply indicating current availability.

Course Synopsis:

- (1) the status for Jews of the Hebrew Bible (and its component parts) and the Orthodox claim of a "dual torah" (oral and written), including the methods and assumptions of Jewish Bible Interpretation, in the light of relevant biblical and rabbinic texts
- (2) Second commonwealth controversies over prophecy and its relationship to the Law, comparing Qumran, New Testament and Rabbinic texts
- (3) An introduction to creed, ritual, liturgy and mysticism as developed through the middle ages, with particular reference to the Maimonidean 13 Principles and reflections of those principles in ritual, liturgy and mysticism
- (4) The impact of the Holocaust on Jewish views of the nature and activity of God, the suffering of the innocent, the nature of the covenant, eschatological expectation, with comparison to Christian views
- (5) Theological issues underlying internal Jewish controversies in the modern State of Israel, including the nature of the state, the religious status of its institutions and particular issues relating to conversion and family law

Course Aims

This course aims to provide students with:

Aim 1 -Understanding of the nature and role of "theology" in Judaism

Aim 2 -Appreciation of the historical development of Jewish Theology and its relationship to Jewish history

Aim 3 -Understanding of the theological differences between different branches of contemporary Judaism

Aim 4 -Appreciation of Jewish views of the relationship between Jewish and Christian theology, in both historical and dogmatic (credal) terms

Aim 5 -Introduction to central texts of Jewish theology, from biblical to modern times

Aim 6 -Enhancement of oral interaction skills (confidence, expression, listening to the viewpoint of the other) in both academic and interfaith contexts

Learning Outcomes

By the end of the course, students will be able to:

Outcome 1 -Appreciate the significance of debates regarding central issues in Jewish Theology, as described in the Course Synopsis and Course Aims

Outcome 2 -Have broadened their understanding of Christian theology, in its relationship to Judaism (biblical and postbiblical).

Outcome 3 -Apply enhanced textual and conceptual skills to theological and philosophical issues.

Outcome 4 -Engage in writing and independent research at a level appropriate to master's study.

Basic Reading: Unterman, A., *The Jews: Their Religious Beliefs and Practices*, 2nd ed., 1996, available on Amazon from £11.95 (plus postage)
 Rosen, J., *Understanding Judaism*, 2003, available on Amazon from £8.82 (plus postage)
 Solomon, N., *Judaism: A Very Short Introduction*, 1996: accessible (but not downloadable) on-line at <http://www.questia.com/PM.qst?a=o&d=77409519>; available on Amazon from £2.75 (plus postage)

Further Reading

Alexander, P.S., 1984. *The Textual Sources for the Study of Judaism*, Manchester University Press
 Bazak, Y., "The Halachic Status of The Israeli Court System", <http://www.jlaw.com/Articles/israelcourt.html>
 Berkovits, E., 1973. *Faith After the Holocaust*, Ktav
 Berkovits, Eliezer, 1983. *Not in heaven: the nature and function of Halakha*, Ktav
 Cohn, H.H., 1984. *Human Rights in Jewish Law*, Ktav
 Cohn-Sherbok, D., 2002. *Holocaust theology: a Reader*, University of Exeter Press
 Cohn-Sherbok, D., 2003. *Judaism. History, Belief and Practice*, Routledge
 Englund, I., 1975. *Religious Law in the Israel Legal System*. Ktav
 Fackenheim, E., 1978. *The Jewish Return into History*, Schocken [on order]
 Fackenheim, E., 1994. *To mend the world: foundations of post-holocaust Jewish thought*, Indiana University Press
 Greenberg, I., 1977. "Cloud of Smoke, Pillar of Fire", in *Auschwitz: Beginning of a New Era?*, ed. Eva Fleischner, Ktav Publishing House, pp.7-55.
 Horbury, W., 1998. *Jewish Messianism and the Cult of Christ*, SCM
 Jackson, B.S., "Tales of Two Prodigals: Jewish-Christian Relations in the First and Twentieth Centuries" (lecture video): <http://www.hope.ac.uk/news/events/distinguished-lectures>
 Jackson, B.S., 2008. *Essays on Halakhah in the New Testament*, Brill
 Jacobs, L., 1995. *The Jewish Religion: a Companion*, Oxford University Press
 Jacobs, L., 1995. *We Have Reason to Believe*, 4th ed, Vallentine, Mitchell
 Kaplan, J., "Religion and State": http://www.jajz-ed.org.il/juice/2000/israeli_society/is5.html
 Littell, F.H., 1986. *The Crucifixion of the Jews*, Mercer University Press
 Maybaum, I., 1965. *The Face of God After Auschwitz*, Polak & Van Gennep
 Neusner, J. and Avery-Peck, A.J., 2003. *The Blackwell Companion to Judaism*, Blackwell
 Nickelsburg, G.W.E., 1981. *Jewish Literature between the Bible and the Mishnah*, SCM
 Raphael, M., 2003. *The Female Face of God in Auschwitz*, Routledge
 Raphael, M.L., 1984. *Profiles in American Judaism: the reform, conservative, orthodox, and reconstructionist traditions in historical perspective*, Harper and Row
 Ravitzky, A., 1996. *Messianism, Zionism and Jewish Religious Radicalism*, University of Chicago Press
 Reif, S.C., 1995. *Judaism and Hebrew Prayer*, Cambridge University Press
 Rubenstein, R., 1992. *After Auschwitz*, 2nd ed., John Hopkins University Press [on order]
 Rubenstein, R., 1987. *Approaches to Auschwitz: the legacy of the Holocaust*, SCM
 Sacks, Jonathan (Chief Rabbi) on Supersessionism (9 minute video): <http://www.chief Rabbi.org/ReadArtical.aspx?id=1763>
 Scholem, G., 1962. *Origins of the Kabbalah*, Princeton University Press
 Solomon, N., 2011. *Torah from Heaven*, Littman Library of Jewish Civilization, 2011 [on order]
 Silberg, M., 1973. *Talmudic law and the Modern State*, Burning Bush Press
 Unterman, A., 1976. *The Wisdom of the Jewish Mystics*, Sheldon Press
 Unterman, A., 1996. *The Jews: Their Religious Beliefs and Practices*, 2nd ed., Sussex Academic Press
 Wiesel, E., 1986. *The Trial of God*, Schocken
 Wiesel, E., 2000. *Night*, Bantam Books

Websites See the "Guide to Internet Resources in Jewish Studies" at the end of the course materials, as well as the sites linked from this document.

Teaching Methods 5 x 3-hour interactional lectures, working through this class handbook which specifies themes and provides both primary texts for discussion, copyright-cleared materials and references to further reading. Students will be expected to have reviewed the relevant material each week in advance.

Assessment

You are required to submit a 3000 word Essay to the Faculty Office on Monday January 7th 2013. Provisional feedback within four weeks.

Essay Topic

Discuss the divergences within Judaism, whether historically or today, on any one of the following topics:

1. The Status of the Hebrew Bible
2. The role and status of prophecy
3. The significance of creed and the relationship between 'Orthodoxy' and 'Orthopraxy'
4. The Holocaust and the Problem of Evil
5. The religious significance of the establishment of the modern State of Israel and its consequences within the State.

The "Further Readings" for each week below are designed primarily to be used in research for your assessment essays.

Administrator Contact Details:

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**Nov. 12th: Introduction to Jewish Theology:
The Status of the Hebrew Bible and the Orthodox claim of a “Dual Torah”**

1. Themes

- A. Introduction to Theology in the Hebrew Bible
 - i. What is “Biblical Theology”? Distinction between historical and confessional accounts, whether Jewish or Christian
 - ii. Can “Biblical Theology” be systematic?
 - iii. Methodological issues: sources and canonisation
- B. What is the ‘Hebrew Bible’ and how does it differ from (i) the Protestant and (ii) the Catholic “Old Testament”
 - i. Examples of ‘Deuterocanonical Books’ or ‘Old Testament Apocrypha’: Tobit, Judith, Wisdom of Solomon, Sirach (or Ecclesiasticus), Susanna (Vulgate Daniel 13, Septuagint prologue), 1 and 2 Maccabees
 - ii. Exclusion of ‘Deuterocanonical Books’ by Rabbis after destruction of the Temple (“Council of Jamnia”, which “canonized” the “Jewish Bible”): see the controversy over the Song of Songs and Ecclesiastes (Unterman, p.38)
 - iii. Final Catholic decisions at 1545-63 Council of Trent
 - iv. Importance of language: Hebrew/Greek (LXX), Latin (Vulgate)
 - i. What do the Italians mean by *traduttore traditore* ?
 - ii. Example: *berit/diatheke/testamentum*
 - v. Different order of books
- C. The “Jewish Bible” (TaNaKh) consists of the
 - Torah* (‘Law’ = Pentateuch),
 - Nevi'im* (‘Prophets’, but includes Joshua-Kings) and
 - Ketuvim* (‘Writings’, including Psalms, Proverbs, Chronicles)
 - i. What is the difference between these divisions in terms of
 - a. Date (distinguish particularly traditional and academic datings)
 - b. Content
 - c. authority: Note particularly the doctrine of direct divine dictation of the *Torah* (only) to Moses
 - d. liturgical use: Sabbath readings in the synagogue have readings for Torah and ‘appropriate’ *Nevi'im*, the latter called *haftarah/haftarah* (‘parting’): see Unterman 39-40
- D. Theological Issues in the Hebrew Bible
 - i. Revelation: different forms
 - a. Direct speech: to whom?
 - b. Inscription on stone
 - c. Writing
 - d. Dreams: e.g. Joseph and Pharaoh’s repeated dreams: see Gen.41 below
 - e. Visions
 - f. The rabbinic view: the “dual torah” / “torah from heaven”: what exactly does it mean, and what different views are taken of it (even within Orthodoxy): see now Norman Solomon, *Torah from Heaven*, 2011.
 - ii. Constructing God and Humanity
 - a. Humanity in the image of God
 - b. God in the image of humanity (“anthropomorphism”)
 - c. What human qualities does God have?
 - d. What superhuman qualities does God have?
 - e. What superhuman qualities does humanity have?

- iii. Covenant and law
 - a. What differences do you see between the covenant with Abraham (Gen. 17, below) and at Sinai (Exodus 19-24, below)
 - b. Why is the covenant at Sinai not described as the covenant with Moses?
 - c. Who are the beneficiaries of the covenant?
 - d. What is meant by a “perpetual covenant” (*berit olam*)?
 - e. What is the difference between a covenant and a contract?
 - f. Where in the Hebrew Bible does God promise a “new covenant” and how do Jews understand this (see Jeremiah 31, below).
 - iv. Reward, punishment and individual/collective responsibility (see Jeremiah 31, below)
 - v. The Afterlife?
 - a) Nothing: “dust to dust”
 - b) Bodily resurrection in the here and now
 - c) Bodily resurrection in the eschatological age
 - d) Immortality of the soul
 - e) Relationship to messianic beliefs?
- E Assumptions of rabbinic interpretation of the Torah (in greater detail next week):
- See further P.S. Alexander, ‘Jewish Interpretation of the Bible’, in *The Oxford Companion to the Bible*, ed. B.M. Metzger and M.D. Coogan (1993), pp.305-10
- i. consistency
 - ii. no redundancy
 - iii. inerrancy
 - iv. multiple levels of meaning: *peshat* and *derash*
 - v. but distinguish *peshat* (“plain meaning”) from “literal meaning”: example: “an eye for an eye”)
 - vi. Special properties of Hebrew: *lashon hakodesh* (even though “the torah was written in the language of human beings”)

2. Texts for discussion

Genesis 41

1 After two whole years, Pharaoh dreamed that he was standing by the Nile, **2** and behold, there came up out of the Nile seven cows sleek and fat, and they fed in the reed grass. **3** And behold, seven other cows, gaunt and thin, came up out of the Nile after them, and stood by the other cows on the bank of the Nile. **4** And the gaunt and thin cows ate up the seven sleek and fat cows. And Pharaoh awoke. **5** And he fell asleep and dreamed a second time; and behold, seven ears of grain, plump and good, were growing on one stalk. **6** And behold, after them sprouted seven ears, thin and blighted by the east wind. **7** And the thin ears swallowed up the seven plump and full ears. And Pharaoh awoke, and behold, it was a dream. **25** Then Joseph said to Pharaoh, "The dream of Pharaoh is one; God has revealed to Pharaoh what he is about to do. **26** The seven good cows are seven years, and the seven good ears are seven years; the dream is one. **27** The seven lean and gaunt cows that came up after them are seven years, and the seven empty ears blighted by the east wind are also seven years of famine. **28** It is as I told Pharaoh, God has shown to Pharaoh what he is about to do. **29** There will come seven years of great plenty throughout all the land of Egypt, **30** but after them there will arise seven years of famine, and all the plenty will be forgotten in the land of Egypt; the famine will consume the land, **31** and the plenty will be unknown in the land by reason of that famine which will follow, for it will be very grievous. **32** And the doubling of Pharaoh's dream means that the thing is fixed by God, and God will shortly bring it to pass.

- **What is the character of the reiteration of Pharaoh's dream?**
- **What meaning is here attached to it?**
- **Might this be a model for the reiteration of law, as presented in Deuteronomy? See Deut. 1:1-5.**

Genesis 17

1 When Abram was ninety-nine years old the LORD appeared to Abram, and said to him, "I am God Almighty; walk before me, and be blameless. **2** And I will make my covenant between me and you, and will multiply you exceedingly." **3** Then Abram fell on his face; and God said to him, **4** "Behold, my covenant is with you, and you

shall be the father of a multitude of nations. **5** No longer shall your name be Abram, but your name shall be Abraham; for I have made you the father of a multitude of nations. **6** I will make you exceedingly fruitful; and I will make nations of you, and kings shall come forth from you. **7** And I will establish my covenant between me and you and your descendants after you throughout their generations for an everlasting covenant, to be God to you and to your descendants after you. **8** And I will give to you, and to your descendants after you, the land of your sojournings, all the land of Canaan, for an everlasting possession; and I will be their God." **9** And God said to Abraham, "As for you, you shall keep my covenant, you and your descendants after you throughout their generations. **10** This is my covenant, which you shall keep, between me and you and your descendants after you: Every male among you shall be circumcised. **11** You shall be circumcised in the flesh of your foreskins, and it shall be a sign of the covenant between me and you. **12** He that is eight days old among you shall be circumcised; every male throughout your generations, whether born in your house, or bought with your money from any foreigner who is not of your offspring, **13** both he that is born in your house and he that is bought with your money, shall be circumcised. So shall my covenant be in your flesh an everlasting covenant. **14** Any uncircumcised male who is not circumcised in the flesh of his foreskin shall be cut off from his people; he has broken my covenant."

- **With whom is the covenant made?**
- **What are the obligations on either side?**

Exodus 20

1 And God spoke all these words, saying, **2** "I am the LORD your God, who brought you out of the land of Egypt, out of the house of bondage. **3** "You shall have no other gods before me. **4** "You shall not make for yourself a graven image, or any likeness of anything that is in heaven above, or that is in the earth beneath, or that is in the water under the earth; **5** you shall not bow down to them or serve them; for I the LORD your God am a jealous God, visiting the iniquity of the fathers upon the children to the third and the fourth generation of those who hate me, **6** but showing steadfast love to thousands of those who love me and keep my commandments. **7** "You shall not take the name of the LORD your God in vain; for the LORD will not hold him guiltless who takes his name in vain. **8** "Remember the sabbath day, to keep it holy. **9** Six days you shall labor, and do all your work; **10** but the seventh day is a sabbath to the LORD your God; in it you shall not do any work, you, or your son, or your daughter, your manservant, or your maidservant, or your cattle, or the sojourner who is within your gates; **11** for in six days the LORD made heaven and earth, the sea, and all that is in them, and rested the seventh day; therefore the LORD blessed the sabbath day and hallowed it. **12** "Honor your father and your mother, that your days may be long in the land which the LORD your God gives you. **13** "You shall not kill. **14** "You shall not commit adultery. **15** "You shall not steal. **16** "You shall not bear false witness against your neighbor. **17** "You shall not covet your neighbor's house; you shall not covet your neighbor's wife, or his manservant, or his maidservant, or his ox, or his ass, or anything that is your neighbor's."

- **This is a translation of the "Ten Commandments" (Exodus 34:28).**
- **Is that a good translation? Are they all commandments?**
- **Are there 10? Do they fall into two natural groups?**

Exodus 21

1 "Now these are the ordinances (*mishpatim*) which you shall set before them. **2** When you buy a Hebrew slave, he shall serve six years, and in the seventh he shall go out free, for nothing. **3** If he comes in single, he shall go out single; if he comes in married, then his wife shall go out with him. **4** If his master gives him a wife and she bears him sons or daughters, the wife and her children shall be her master's and he shall go out alone. **5** But if the slave plainly says, 'I love my master, my wife, and my children; I will not go out free,' **6** then his master shall bring him to God, and he shall bring him to the door or the doorpost; and his master shall bore his ear through with an awl; and he shall serve him for life.

- **What is the relationship between these "ordinances" (*mishpatim*) and the Ten Commandments?**

Exodus 24

3 Moses came and told the people all the **words** (*devarim*) of the LORD and all the **ordinances** (*mishpatim*); and all the people answered with one voice, and said, "All the **words** which the LORD has spoken we will do." **4** And Moses wrote all the **words** of the LORD. And he rose early in the morning, and built an altar at the foot of the mountain, and twelve pillars, according to the twelve tribes of Israel. **5** And he sent young men of the people of Israel, who offered burnt offerings and sacrificed peace offerings of oxen to the LORD. **6** And Moses took half of the blood and put it in basins, and half of the blood he threw against the altar. **7** Then he took the book of the covenant, and read it in the hearing of the people; and they said, "All that the LORD has spoken we will do, and we will be obedient." **8** And Moses took the blood and threw it upon the people, and said, "Behold the blood of the covenant which the LORD has made with you in accordance with all these **words** (*devarim*)."

- **How much law was included in this covenant?**

Jeremiah 31

29 In those days they shall no longer say: 'The fathers have eaten sour grapes, and the children's teeth are set on edge.' **30** But every one shall die for his own sin; each man who eats sour grapes, his teeth shall be set on edge.

31 "Behold, the days are coming, says the LORD, when I will make a new covenant with the house of Israel and the house of Judah, **32** not like the covenant which I made with their fathers when I took them by the hand to bring them out of the land of Egypt, my covenant which they broke, though I was their husband, says the LORD. **33** But this is the covenant which I will make with the house of Israel after those days, says the LORD: I will put my law within them, and I will write it upon their hearts; and I will be their God, and they shall be my people. **34** And no longer shall each man teach his neighbor and each his brother, saying, 'Know the LORD,' for they shall all know me, from the least of them to the greatest, says the LORD; for I will forgive their iniquity, and I will

- **What does v.29 mean?**
- **What is the relationship between this passage and the Ten Commandments?**
- **What is the nature of the “new covenant” and why was it necessary?**
- **How do Jewish and Christian interpretations of this passage differ?**

Babylonian Talmud, *Menahot* 29b

Rav Judah said in Rav's name: When Moses went up to heaven he found the Holy One, blessed be he, sitting and adding crowns to the letters of the Torah. Moses said: 'Lord of the universe, why has this become necessary?' He replied: 'At the end of many generations there shall arise a man, Aqiva ben Joseph by name, who shall derive from each of these strokes heaps and heaps of halakhot.' 'Lord of the universe,' said Moses, 'show him to me.' He replied: 'Turn round.'

Moses went and sat down behind the eight rows of Aqiva's students and listened to the discussion. Being unable to follow their arguments, he was ill at ease. However, when they came to a certain topic and the students said, 'Master, how do you know this?' and he replied, 'It was given as halakhah to Moses on Sinai,' Moses' mind was set at rest.

- **What is meant by “adding crowns to the letters of the Torah”? • Who was Rabbi Aqiva and what happened to him?**
- **What is the message communicated by this story?**
- **What does it tell you about Jewish humour?**

NB Early Rabbinic sources differ in defining the content of the ‘oral law’. Thus we find:

‘The *halakhot*’, according to *Babylonian Talmud Temurah* 14b
‘General principles’, according to *Exodus Rabbah, Ki Tissa* 41:6
The *Mishnah*: R. Judah b. Shalom in *Tanhuma, Ki Tissa* 34

- **What answer does *Menahot* 29b (above) suggest to this question**

Babylonian Talmud, *Shabbat* 31a:

A gentile once came to Shammai and asked, “How many Torahs do you have?” Shammai said to him, “Two—a Written Law and an Oral Law.” The gentile responded, “I trust you with respect to the Written Law but I do not trust you with respect to the Oral Law. I wish to be converted on the understanding that you will teach me the Written Law.” Shammai rebuked him and angrily sent him away. The gentile [then] came to Hillel, who agreed to convert him [on the gentile's terms]. On the first day he taught him the alphabet in correct order. The following day he taught him the alphabet in reverse order. The gentile said to him, “Did you not teach me differently yesterday?” Hillel responded, “Did you not put your trust in me [to learn the Written Law]? Depend on me also with regard to the Oral Law.”

- **What point is being made here about the relationship between the oral law and the written law??**

Exodus Rabbah, *Ki Tissa* 41:6

When he finished speaking with him on Mt. Sinai, He gave Moses the two tablets of the Testimony, stone tablets inscribed with the finger of God.

But did Moses learn the entire Torah? It is written in Scripture: “Its measure is longer than the earth and broader than the sea.” Did Moses really learn anything so vast in just forty days? The answer is, God taught Moses the general principles.

- **What is it that Moses learned on Mount Sinai?**

Babylonian Talmud, Temurah 14b

(School of R. Ishmael): “Write down these commandments” (*Exod.* 34:27) — these you shall write, but you shall not write the *halakhot*.

- **What are the “commandments” and what are the “*halakhot*”?**

Babylonian Talmud, *Gittin* 60b

R. Judah b. Nahmani: “Matters that are written you are not at liberty to recite orally; matters transmitted orally, you are not at liberty to recite from a writing”

- **This is one version of the original ‘ban’ on the writing down of the ‘oral law’. What does it mean and does it make more sense than the traditional explanation?**

Tanhuma, Ki Tissa 34

R. Judah b. Shalom said: “When God told Moses, ‘Write down,’ Moses sought to have the Mishnah reduced to writing. But God foresaw that in the future the nations of the world would translate the Bible and read it in Greek and they would say: ‘We are Israel!—and now the scales are balanced.’ God said to the nations: ‘You say that you are My sons. I recognize only those to whom I have confided My secret mystery—they are My sons; and what is My secret mystery? It is the Mishnah. which was given orally.’”

- **What lies behind this reference to the Greek Bible?**
- **If the Mishnah was thought to have been given orally, and was a “mystery”, how come it was written down around 220 C.E. by R. Judah the Prince?**

3. Readings and Questions for postgraduate students [Reply to no.1 in the Moodle Forum for this week; nos.2-5 for discussion in the postgraduate session, 6.00-7.00 p.m. next week]

Required Reading

Unterman, *The Jews*, ch.3 (pp.31-45)

Rosen, J., *Understanding Judaism* (2003), 28-37

<http://www.myjewishlearning.com/texts/Bible/Torah.shtml>

1. Locate at least two biblical sources on each of the following topics, and consider whether they are consistent and if not how you would explain the difference(s) between them
 - The nature of revelation
 - The nature of God
 - The relation between covenant and law
 - Reward, punishment and individual/collective responsibility
 - The afterlife
2. What kind of distinction does Unterman make between ‘History’ and ‘Tradition’ in relation to Jewish understandings of the Bible? What does he mean by “it is the Bible seen through the eyes of tradition which is all-important for Judaism” (p.41). Might a comparable statement be made for Christianity, and does Christianity (like Judaism) reflect widely differing internal viewpoints on this?
3. Is there an overall difference between ‘Orthodox’ Judaism on the one hand and the various ‘Progressive’ Jewish denominations on the other?
4. Where does the ‘Jacobs controversy’ fit into question 2?: see Jacobs, L., *We Have Reason to Believe* (1995, 4th ed.), esp. chs.6-8
5. What does ‘Jewish Bible commentary’ mean, and does it continue into modern times? What does Unterman mean by presenting R. Samson Raphael Hirsch as using ‘scriptural exegesis as a primary medium of counter-reformation’? (p.45)

Nov. 19th: Second Commonwealth Controversies: Prophecy, Law and other issues

- A. The “Second Jewish Commonwealth”
 - i. What do we mean by the period of the “Second Jewish Commonwealth”
 - ii. What are the principal political events in it?
 - iii. What do are the principal literary sources of the period?
 - iv. What do we mean by “Jewish sects” in the Second Jewish Commonwealth, and is it an appropriate term to use?
 - v. What were the principal controversies in this period regarding?
 - a. Amongst Jews
 - b. Between Jews and Christians?
- B. The Controversies regarding Prophecy
 - i. When did prophecy cease?
 - ii. Is the *bat kol* (“heavenly voice”) a residual form of prophecy/revelation?
 - iii. Who inherited prophetic authority and in what did it consist?
 - iv. The interpretation of the “prophet like Moses” passage in Deuteronomy
- C. Jewish Bible Interpretation
 - i. The controversy over the ‘oral law’
 - ii. Rabbinic Hermeneutics: the *middot* for interpretation of the Biblical text, and their presuppositions regarding the nature of the language of the (written) revelation
 - iii. Relationship to questions of authority: *de’oraiyta* v. *derabbanan*
- D. The “parting of the ways” (for postgraduate seminar next week)
 - i. How is it defined?
 - ii. when did it occur?
 - iii. Is there a relationship to Roman law’s ban on conversion to Judaism in the 4th cent.?

2. Texts for discussion

B1: When did prophecy cease?

Babylonian Talmud Sotah 48b

Come and hear: When the first Temple was ... the *Urim* and *Thummim* ceased, there was no more a king from the House of David; and if anyone incites you to quote, And the governor said unto them that they should not eat of the most holy things till there stood up a priest with Urim and Thummim [*Ezra* 2:63], reply to him: [It is only a phrase for the very remote future] as when one man says to another, ‘Until the dead revive and the Messiah, son of David, comes’!

Our Rabbis have taught: When Haggai, Zechariah and Malachi died, the Holy Spirit departed from Israel; nevertheless they made use of the *Bath Kol*.

On one occasion [some Rabbis] were sitting in the upper chamber of Gurya's house in Jericho; a *Bath Kol* was granted to them from heaven which announced, ‘There is in your midst one man who is deserving that the Shechinah should alight upon him, but his generation is unworthy of it’. They all looked at Hillel the elder; and when he died, they lamented over him, ‘Alas, the pious man! Alas, the humble man! Disciple of Ezra!’

On another occasion they were sitting in an upper chamber in Jabneh; a Bath Kol was granted to them from heaven which announced, ‘There is in your midst one man who is deserving that the Shechinah should alight upon him, but his generation is unworthy of it’. They all looked at Samuel the Little; and when he died, they lamented over him, ‘Alas, the humble man! Alas, the pious man! Disciple of Hillel!’

- **What does v.29 mean?**

Sifra, Behukotai, 13:7

“These are the commandments which the lord gave Moses, for the people of Israel on Mount Sinai” (Lev. 27:34): These are the commandments — a prophet is no longer authorized to introduce anything new.

- **What is the significance of the “no longer”? [NB: the Rabbis taught elsewhere that prophecy ceased with the destruction of the *first* Temple]**

B2: The *bat kol* (“heavenly voice”)

Babylonian Talmud, Bava Metzia 59a-b (paragraph numbers added for convenience)

- 1 We learnt elsewhere: If it was cut up into rings and sand put between each ring, then Rabbi Eliezer declared it clean, but the Sages declared it unclean. This was the oven of Akhnai. ...
- 2 It was taught: On that day Rabbi Eliezer brought forward all the arguments in the world to support his view, but they refused to accept them.
- 3 He said to them: ‘If the halakhah agrees with me, let this carob tree prove it.’ The carob tree was uprooted and hurled from its place a hundred cubits (or, according to some, four hundred cubits). ‘No proof can be brought from a carob tree,’ they said to him.
- 4 Again he said to them: ‘If the halakhah agrees with me, let this stream of water prove it.’ The stream flowed backwards. ‘No proof can be brought from a stream of water,’ said they.
- 5 Again he said to them: ‘If the halakhah agrees with me, let the walls of the schoolhouse prove it.’ The walls started to lean as if about to fall. Rabbi Joshua rebuked them and said: ‘When the pupils of the Sages are disputing about halakhah what business have you to interfere?’ The walls did not fall, for the sake of Rabbi Joshua’s honour, nor did they resume the upright, for the sake of Rabbi Eliezer’s honour. (They are still standing in the inclined position.)
- 6 Again Rabbi Eliezer said: ‘If the halakhah agrees with me, let it be proved from heaven.’ A *bat qol* [heavenly voice] went forth and said: ‘Why do you dispute with Rabbi Eliezer, seeing that in every case the halakhah agrees with him!’ But Rabbi Joshua stood up and exclaimed ‘It is not in heaven!’ (Deut. 30:12) What did he mean by this? Rabbi Jeremiah said: ‘He meant: The Torah has already been given on Mount Sinai, so we pay no attention to a *bat qol*, since you long ago wrote in the Torah at Mount Sinai: “You must follow the majority opinion” (Exod. 23:2).’
- 7 Rabbi Nathan met Elijah and asked him: ‘How did the Holy One, blessed be he, react on that occasion?’ He replied: ‘He laughed and said: My sons have defeated me, my sons have defeated me!’
 - **How does R. Eliezer try to prove his case in paras. 3-5? How does no.5 differ from nos.3-4?**
 - **How does R. Eliezer try to prove his case in para 6-? How does this differ from nos.3-5?**
 - **How do R. Joshua and R. Jeremiah try to refute R. Eliezer in para 6?**
 - **Elsewhere in the Talmud, there is a story that R. Eliezer was accused of *minut* (normally understood as Christianity). What in the present story might have prompted that?**
 - **How do you understand para.7?**
 - **Elsewhere in the Talmud (*Erubin. 13b*), intervention by a “heavenly voice” is accepted.**

R. Abba stated in the name of Samuel: For three years there was a dispute between Beth Shammai and Beth Hillel, the former asserting, ‘The *halachah* is in agreement with our views’ and the latter contending, ‘The *halachah* is in agreement with our views’. Then a *bath kol* issued announcing, ‘[The utterances of] both are the words of the living God, but the *halachah* is in agreement with the rulings of Beth Hillel’. Since, however, ‘both are the words of the living God’ what was it that entitled Beth Hillel to have the *halachah* fixed in agreement with their rulings? - Because they were kindly and modest, they studied their own rulings and those of Beth Shammai, and were even so [humble] as to mention the action of Beth Shammai before theirs.

How might we understand the relationship between this and the story in Bava Metzia (above)?

B3: Who inherited prophetic authority and in what did it consist?

Babylonian Talmud, Baba Batra 12a

Prophecy has been taken from the prophets and given to the sages.

- **What does this mean, not least in the context of the teaching that prophecy had ceased?**

Seder Olam Rabbah 30

Until now, the prophets prophesied through the medium of the Holy Spirit; from now on, incline your ear and hearken to the words of the sages.

- **Note that the “Holy Spirit” (*ruah hakodesh*) is a Jewish concept, but has a different meaning from that in Christianity**
- ? Is it significant that it is mentioned in this context? What might be the historical background?**

B3: The interpretation of the “prophet like Moses” passage in Deuteronomy

Deuteronomy 18:9-22

When you come into the land which the Lord your God is giving you, do not learn to imitate the abominable customs of those other nations. Let no-one be found among you who makes his son or daughter pass through fire, no augur or soothsayer or diviner or sorcerer, no-one who casts spells or traffics with ghosts and spirits, and no necromancer ... These nations whose place you are taking listen to soothsayers and augurs, but the Lord your God does not permit you to do this. **The Lord your God will raise up a prophet from among you like myself, and you shall listen to him.** All this follows from your request to the Lord your God on Horeb on the day of the assembly. There you said, “Let us not hear again the voice of the Lord our God, nor see this great fire again, or we shall die.” Then the Lord said to me, “What they have said is right. I will raise up from them a prophet like you, one of their own race, and I will put my words into his mouth. He shall convey all my commands to them, and **if anyone does not listen to the words which he will speak in my name I will require satisfaction from him.** But the prophet who presumes to utter in my name what I have not commanded him or who speaks in the name of other Gods - that prophet shall die.” If you ask yourselves, “How shall we recognise a word that the Lord has not uttered?” This is the answer: when the word spoken by the prophet in the name of the Lord is not fulfilled and had not come true, it is not a word spoken by the Lord. The prophet has spoken presumptuously; do not hold him in awe.

- **What relationship is here assumed between God, the prophet and the people in relation to the Law?**
- **Is the future ‘prophet-like-Moses’ conceived as a one-off event?**
- **Is the criterion of recognition adequate? Consider the relationship to the biblical law on false prophecy (Deut. 13, below).**

Deut 12:32, 13:1-5

12:32. Everything that I command you shall be careful to do; you shall not add to it or take from it. 13:1 If a prophet arises among you, or a dreamer of dreams, and gives you a sign or a wonder, 2 and the sign or wonder which he tells you comes to pass, and if he says, ‘Let us go after other gods,’ which you have not known, ‘and let us serve them,’ 3 you shall not listen to the words of that prophet or to that dreamer of dreams; for the LORD your God is testing you, to know whether you love the LORD your God with all your heart and with all your soul. 4 You shall walk after the LORD your God and fear him, and keep his commandments and obey his voice, and you shall serve him and cleave to him. 5 But that prophet or that dreamer of dreams shall be put to death, because he has taught rebellion against the LORD your God, who brought you out of the land of Egypt and redeemed you out of the house of bondage, to make you leave the way in which the LORD your God commanded you to walk. So you shall purge the evil from the midst of you.

- **Note the juxtaposition of the ban on adding or subtracting from the law (the rabbinic *bal tigma*) with the law of false prophecy. The Massoretic chapter division commences ch.13 with this verse. What might be the significance of the juxtaposition?**
- **Is the ‘false prophet’ still regarded as a prophet? Is there a distinction between a ‘false prophet’ and a non-prophet? How do we recognise the difference?**

Babylonian Talmud, Sanhedrin 90a:

R. Abbahu said in R. Johanan's name: in every matter, if a prophet tells you to transgress (**im yomar lekha avur**) the commands of the Torah, obey him, with the exception of idolatry: should he even cause the sun to stand still in the middle of the heavens for you, do not hearken to him.

- **What does the prophet here claim to be able to do?**
- **How is this justified?**
- **Why the exception relating to idolatry?**
- **What is the significance of causing the sun to stand still in the middle of the heavens?**

Babylonian Talmud, *Sanhedrin* 90a:

Our Rabbis taught: if one prophesies so as to eradicate (**la'akor**) a law of the Torah, he is liable (to death); partially to confirm and partially to annul it, — R. Simeon exempts him. But as for idolatry, even if he said, "Serve it today and destroy it tomorrow," all declare him liable.

- **What is the difference, if any, between transgressing a law (R. Abbahu, above) and eradicating a law (here)?**
- **What is the significance of 'partially to confirm and partially to annul it'?**

***Matthew* 12:1-8**

Once about that time Jesus went through the corn fields on the Sabbath: and his disciples, feeling hungry, began to pluck some ears of corn and eat them. The pharisees noticed this, and said to him, "Look, your disciples are doing something which is forbidden on the Sabbath." He answered, "Have you not read what David did when he and his men were hungry? He went into the House of God and ate the sacred bread, though neither he nor his men had a right to eat it, but only the priests

- **What was Jesus seeking to justify?**
- **How did he justify it?**

***Matthew* 5 (Sermon on the Mount)**

1 Seeing the crowds, he went up on the mountain, and when he sat down his disciples came to him. 2 And he opened his mouth and taught them, saying: ...

17 "Think not that I have come to abolish the law and the prophets; I have come not to abolish them but to fulfil them. 18 For truly, I say to you, till heaven and earth pass away, not an iota, not a dot, will pass from the law until all is accomplished. 19 Whoever then relaxes one of the least of these commandments and teaches men so, shall be called least in the kingdom of heaven; but he who does them and teaches them shall be called great in the kingdom of heaven. 20 For I tell you, unless your righteousness exceeds that of the scribes and Pharisees, you will never enter the kingdom of heaven.

21 "You have heard that it was said to the men of old, 'You shall not kill; and whoever kills shall be liable to judgment.' 22 But I say to you that every one who is angry with his brother shall be liable to judgment; whoever insults his brother shall be liable to the council, and whoever says, 'You fool!' shall be liable to the hell of fire.

23 So if you are offering your gift at the altar, and there remember that your brother has something against you, 24 leave your gift there before the altar and go; first be reconciled to your brother, and then come and offer your gift. 25 Make friends quickly with your accuser, while you are going with him to court, lest your accuser hand you over to the judge, and the judge to the guard, and you be put in prison; 26 truly, I say to you, you will never get out till you have paid the last penny.

27 "You have heard that it was said, 'You shall not commit adultery.' 28 But I say to you that every one who looks at a woman lustfully has already committed adultery with her in his heart.

31 "It was also said, 'Whoever divorces his wife, let him give her a certificate of divorce.' 32 But I say to you that every one who divorces his wife, except on the ground of unchastity, makes her an adulteress; and whoever marries a divorced woman commits adultery. ...

38 "You have heard that it was said, 'An eye for an eye and a tooth for a tooth.' 39 But I say to you, Do not resist one who is evil. But if any one strikes you on the right cheek, turn to him the other also.

- **What is meant by the claim to "fulfil" the law and the prophets (v.17)?**
- **What is conceived as the temporal validity of 'the law'?**
- **What is the general character of the teaching, and how does it relate to the rabbinic tradition?**
- **What is 'prophetic' about it?**

***2 Corinthians* 3:6:**

The qualification we have comes from God; it is he who has qualified us to dispense his new covenant — a covenant expressed not in a written document but in a spiritual bond; for the written law condemns to death, but the spirit gives life. (King James: For the letter killeth, but the spirit giveth life.)

- **What is the role of the distinction here between 'letter' and 'spirit'?**
- **Is the notion of a 'new covenant' Christian as opposed to Jewish?**

***Galatians* 3:16-18:**

3:16 Now the promises were made to Abraham and to his offspring. It does not say, "And to offsprings," referring

to many; but, referring to one, “And to your offspring” [the reference here is to זרעך (*zarakha*: lit. “your seed”) in *Gen.* 17:7] which is Christ. 3:17. This is what I mean: the law, which came four hundred and thirty years afterward, does not annul a covenant previously ratified by God, so as to make the promise void. 3:18 For if the inheritance is by the law, it is no longer by promise; but God gave it to Abraham by a promise.

C2: Rabbinic Hermeneutics: the *middot* for interpretation of the Biblical text [from the 13 rules of R. Ishmael, in *Sifra*, Introd. §5. See further “Hermeneutics”, http://www.jewishvirtuallibrary.org/jsource/judaica/ejud_0002_0009_0_08805.html

***Kal va-homer*: an argument from the minor premise (*kal*) to the major (*homer*).**

"If priests, who are not disqualified for service in the Temple by age, are disqualified by bodily blemishes (*Lev.* 21:16–21) then levites, who are disqualified by age (*Num.* 8:24–25), should certainly be disqualified by bodily blemishes" (*Hul.* 24a).

- **Describe the logic**

***Gezerah shavah*: comparison of similar expressions.**

But the words of the *gezerah shavah* must not only be similar but also superfluous (*mufneh*, "free") in the context in which they appear, so that it can be argued that they were placed there for the express purpose of the *gezerah shavah* (*Shab.* 64a). It would appear that the school of R. Akiva disagrees with that of R. Ishmael and does not require *mufneh* (*TJ*, *Yoma* 8:3, 45a)."

- **What theological assumptions might underlie this?**

***hekkesh* ("comparison"): where two laws are present in the same verse, it may be inferred that whatever is true of one is true of the other.**

For example, "Thou shalt eat no leavened bread with it; seven days shalt thou eat unleavened bread therewith" (*Deut.* 16:3). Although women are exempt from carrying out positive precepts associated with given time, they are nevertheless obliged to eat unleavened bread on Passover since the verse, by combining the two laws compared the duty to eat unleavened bread with the prohibition against eating leaven, which, being a negative precept, is binding on women (*Pes.* 43b).

- **What theological assumptions might underlie this?**

***Semukhin* is an inference from the juxtaposition of two laws in two adjacent verses.**

For example, "Thou shalt not suffer a sorceress to live; Whosoever lieth with a beast shall be put to death" (*Ex.* 22:17, 18). Just as one who lies with a beast is put to death by stoning, so, too, a sorceress is put to death by stoning (*Ber.* 21b).

- **What theological assumption might underlie this?**
- **R. Judah, however, rejects the universal application of the *semukhim* rule: "Just because the two statements are juxtaposed, are we to take this one out to be stoned?" (*ibid*). **What is the nature (and significance) of his argument?****

Babylonian Talmud, Sanhedrin 74a

Incest and murder [may not be practiced to save one's life], — even as Rabbi's dictum. For it has been taught: Rabbi said, *For as when a man riseth against his neighbour, and slayeth him, even so is this matter.* But what do we learn from this analogy of a murderer? Thus, this comes to throw light and is itself illumined. The murderer is compared to a betrothed maiden: just as a betrothed maiden must be saved [from dishonour] at the cost of his [the ravisher's] life, so in the case of a murderer, he [the victim] must be saved at the cost of his [the attacker's] life. Conversely, a betrothed maiden is compared to a murderer: just as one must rather be slain than commit murder, so also must the betrothed maiden rather be slain than allow her violation. And how do we know this of murder itself? — It is common sense (*sevarah*). Even as one who came before Raba and said to him, 'The governor of my town has ordered me, "Go and kill so and so; if not, I will slay thee"'. He answered him, 'Let him rather slay you than that you should commit murder; who knows that your blood is redder? Perhaps his blood is redder.'

- **In what respect does this passage illustrate the use of *sevarah*?**
- **What is the relationship here between biblical interpretation and “common sense”?**

Mekhilta to Ex. 21:24

“An eye for an eye” — that means money. You say it means money, but perhaps you are wrong and it really does mean an eye? — R. Ishmael used to say: ‘Behold it says: “And he that killeth a beast shall make it good and he that killeth a man shall be put to death” (Lev. 24:21). The Torah compares damage caused to a man to damage caused to a beast, and damage caused to a beast to damage caused to a man. Just as in the case of damage caused to a beast there is a monetary payment, so in the case of damage caused to a man there is also monetary payment.’

- **This is typical of early halakhic midrash. What can be said about**
 - (a) **the nature of the argumentation (hekkesh?) and**
 - (b) **its literary form?**
- **The Rabbis claim that monetary compensation is the “plain meaning” of “An eye for an eye”. What can that mean??**

C3: Relationship to questions of authority: *de’oraiya* v. *derabbanan*

Nahmanides, Commentary on the Torah

Thus, it is proper to say that the opposite [of the view Maimonides, *Sefer Hamitsvot*, 2nd princ., Kafih p.11] is true, i.e. that every matter deduced in the Talmud by means of one of the thirteen canons is Biblical, unless the Talmudic sages have specifically stated that the textual connection is *asmakhta*

- **“Is Biblical” means “has biblical status/authority”, called *de’oraiya* (even though clearly part of the “oral law”), and in principle is unchangeable?**
- **But the “oral law” also has a considerable part which does not have biblical status/authority, called *derabbanan*, and in principle is changeable (if with increasing difficulty). How can this notion be reconciled with the theory of the “dual torah” (all given on Mount Sinai)?**

3. Readings and Questions for postgraduate students [Reply to no.1 in the Moodle Forum for this week; nos.2-3 for discussion in the postgraduate session, 6.00-7.00 p.m. next week]

Required Reading

Unterman, *The Jews*, 46-50

Rosen, *Understanding Judaism* (2003), 37-42

Solomon, *Judaism*, pp.18-31

<http://www.jcrelations.net/en/?item=797> (on the “parting of the ways”)

http://www.moshereiss.org/christianity/08_parting/08_parting.htm (on the “parting of the ways”)

Chief Rabbi on Supersessionism: <http://www.chief Rabbi.org/ReadArticle.aspx?id=1763>

Further Reading

Cohn-Sherbok, *Judaism. History, Belief and Practice* (2003), ch.16

Horbury, W., *Jewish Messianism and the Cult of Christ*, chs.1-2

Jackson, B.S., *Essays on Halakhah in the New Testament*, 2008, chs.1-3

Maccoby, H., *Judaism in the First Century*, 1989

1. Compare the approach to biblical interpretation of Matthew’s Jesus with that of Paul, in the light of the texts quoted above (*Matthew* 5, *Matthew* 12:1-8, *2 Corinthians* 3:6, *Galatians* 3:16-18)
2. Why should the interpretation of the “prophet like Moses” text in Deuteronomy have been a central issue in the theological controversies of the late second commonwealth period?
3. How would you define “the parting of the ways” and how might the choice of definition affect one’s view of the dating of that parting?

**Nov. 26th: Jewish Theology and the Enlightenment,
as reflected in Creed, Liturgy and Mysticism**

A. Historical Background

- i. migrations and expulsions, ghettoisation
- ii. Cultural Interactions: Islam (the “Spanish Golden Age”) and Christianity (the formal “disputations”)
- iii. Landmarks in mediaeval Jewish philosophy
 - a. Saadya Gaon (882-942): *The Book of Beliefs and Opinions*
 - b. Judah Halevi (1075-1141): *The Kuzari*: The limits of reason
 - c. Maimonides (1135-1204): *The Guide of the Perplexed*
 - d. The anti-Maimonidean, anti-philosophic movement (13th century)
- iv. Mysticism as a populist reaction to the intellectualism prompted by cultural interaction?

B. Creed

- i. Relation to earlier credal statements
- ii. Maimonides: divine command and rational explanation (the *ta’amei hamitsvot*) in the halakhah
- iii. The development of an Orthodoxy: Maimonides’ 13 principles
- iv. The nature of God:
 - a. monotheism (not just ‘monolatry’)
 - b. God as Creator
 - c. God as Father, King/Judge [“Our Father, our King, inscribe us in the book of”]
 - d. liturgical reflections
- v. Divine Omniscience and Human Free Will (week 4)
- vi. The relationship of God and Israel (Week 5)

C. Mysticism

- i. Mysticism as “an attempt to recover the primal immediacy of the sense of God”
- ii. Ancient Roots: The *Heikhalot* literature and the *Sefer Yetzirah*: <http://www.sacred-texts.com/jud/yetzirah.htm>
- iii. Talmudic objections to mysticism: The challenge to the unity of God (‘Two Powers in Heaven’). The problem of the end of prophecy and continuing direct revelation
- iv. The Zohar
- v. Isaac Luria and the Safed School: *Ein sof, sefirot*, “*breaking of the vessels*”
- vi. Modes of thinking: myth v. propositional discourse; intellect and reason v. imagination and intuition
- vii. Hasidism: the Ba’al Shem Tov (Besht):
http://www.jewishvirtuallibrary.org/jsource/Judaism/hasidim_&_mitnagdim.html
- viii. Hasidim and Mitnagdim: the challenge to the primacy of halakhah

D. Enlightenment and Reform

- i. Political Emancipation: e.g. ‘French of the Jewish Faith’ (‘the trade-off between civil rights and equality on the one hand and loss of communal autonomy on the other. The pressure for minorities to conform to perceived national stereotypes and to prove their loyalty’)
- ii. Cultural Emancipation: (‘the primacy of reason and the attack on revelation and the mediaeval order based upon it’).
 - (a) Moses Mendelssohn, author of *Jerusalem* (1783): sought the emancipation of the Jews and stressed the need to prepare them to take their place in the wider society (thus, a combination of political and cultural agenda?). Parallels to issues debated today??
 - (b) university admissions
 - (c) The Science of Judaism Movement (Wissenschaft des Judentums): Leopold Zunz (1794-1886).
- iii. The Birth of Reform
 - (a) Normativity of ancient texts

- (b) Opposition to 'fundamentalism': but what does it mean?
 Literalism?
 Divine authorship
 'Not only is everything in the Bible true; all truth is there'
- (c) The theological underpinning of Reform: the concept of the evolution of Judaism and of the halakhah: Compare the Pittsburgh (16-18 Nov. 1885) and the Columbus (1937) Platforms
 http://www.jewishvirtuallibrary.org/jsource/Judaism/pittsburgh_program.html
 http://www.jewishvirtuallibrary.org/jsource/Judaism/Columbus_platform.html
- (d) The Orthodox Reaction: Samson Raphael Hirsch (1808-88), Rabbi in Frankfurt, 1851-58
 - Founded a Jewish school system in which secular subjects were taught (German, mathematics, secular sciences).
 - Reform of synagogue services (strict decorum, sermons in vernacular, choirs, clerical dress).
 - Acceptance of '*Torah im derekh erez*', but fundamentalist on matters of Bible and tradition.

2. Texts for discussion

Aii: The Disputation of Barcelona (see further http://en.wikipedia.org/wiki/Disputation_of_Barcelona, from which the following text is taken):

[On the question whether the Messiah had appeared or not] Nahmanides noted that prophetic promises of the Messianic Age, a reign of universal peace and justice had not yet been fulfilled. On the contrary, since the appearance of Jesus, the world had been filled with violence and injustice, and among all denominations the Christians were the most warlike. He asserted that questions of the Messiah are of less dogmatic importance to Jews than most Christians imagine, because it is more meritorious for the Jews to observe the precepts of the Torah under a Christian ruler, while in exile and suffering humiliation and abuse, than under the rule of the Messiah, when every one would perform act in accordance with the Law.

- **How do Christians respond to the Jewish argument that the world is still full of violence and injustice?**
- **Why should it be more meritorious to observe the *mitzvot* before the coming of the Messiah than after? Is Jer. 31:29-34 (the last text in Week 2 materials) relevant here?**

Aiiia: Sa'adya Gaon, *The Book of Beliefs and Opinions*, Introduction, Section 6: The Relationship between faith and Reason

The reader of this book should know that we inquire into and speculate on the teachings of our religion for two reasons: first, to find out for ourselves what we have learned as imparted knowledge from the prophets of God; and secondly, to be able to refute anyone who argues against us concerning anything to do with our religion. Our Lord has instructed us in all we need to know about the teachings of our religion through the agency of his prophets, having first confirmed by signs and miracles that they possessed the gift of prophecy. He commanded us to believe those teachings and keep them in mind. He also informed us that, when we engage in speculation and inquiry, true and complete inquiry will in every instance agree with what he has already told us through the words of his messengers, and he has given us an assurance that infidels will never be able to offer proof nor sceptics valid arguments against our religion.

- **What, then, is the source of correct knowledge, and how do we know that it is correct?**
- **On what does Sa'adya base this?**
- **How does Sa'adya understand the relationship between religious and secular (scientific) knowledge?**

... This inevitably raises a point which we must now consider. It may be asked: If the teachings of religion can be discovered by correct inquiry and speculation, as our Lord has informed us, what prompted his wisdom to transmit them to us through prophecy and to confirm them by visible, miraculous proofs, rather than by rational demonstrations? To this question, with God's help, we will give a complete answer. We say: God in his wisdom

knew that the conclusions achieved by skill in reasoning can only be reached after the lapse of a certain interval of time. If, therefore, he had left us to depend on such conclusions for our religious knowledge, we would have remained for a time without religion, till the process of reasoning had been completed and our labour had come to an end. It is possible that many of us would never have completed the process because of our intellectual deficiencies, nor finished the work on account of impatience. Or doubts could have overwhelmed us, confusing and hindering us. That is why God saved us quickly from all these troubles by sending us his Messenger [Moses] through whom he transmitted the truths directly to us, and before our very eyes he confirmed those truths with signs and proofs which doubt could not assail and which we could not possibly reject, as Scripture says: ‘You yourselves have seen that I talked with you from heaven’ (Exod. 20:19). He spoke to his Messenger in our presence, and made it an obligation to believe his Messenger for ever, as Scripture says: ‘So that the people may hear when I speak to you, and may also believe you for ever’ (Exod. 19:9).

- **What is the problem which Sa’adya here addresses and how does he solve it?**

Thus we were obliged at once to accept the teachings of religion, together with all that they implied, because they had been verified by the testimony of the senses. (We are also obliged to accept them on the grounds that they have been passed on to us fully authenticated by reliable tradition, as we shall explain later.) ... Even women and children and those with no aptitude for speculation can attain to a complete religion, for all men are on an equal footing as far as knowledge derived from the senses is concerned. Praised be God who in his wisdom ordered things thus! This is why you often find in the Torah the women and the children included with the fathers when signs and miracles are mentioned.

- **How can Sa’adya claim that religious knowledge is “verified by the testimony of the senses”?**

Bi: Early creedal statements

Mishnah Sanhedrin 10:1:

All Israel has a share in the world to come. These are they who have no share in the world to come: he who denies that the Torah is from heaven; he who says that the resurrection of the dead is not found in the Torah; and an Epicurean.

- **Is this a (comprehensive?) account of the early rabbinic understanding of heresy? What is included and what (that you might expect) is not included?**
- **Who is the “Epicurean”?**
<http://en.wikipedia.org/wiki/Epicureanism>: “In the Jewish exegetical tradition, the word “*Apiqoros*” appears in Rabbinical literature as a reference to those who lack religion or are ostensibly atheistic. Its origins are uncertain, but it may have originally referred specifically to the Epicurean philosophy, although it eventually came to refer to any philosophy lacking a God or a spiritually based morality. It is also occasionally used to describe heretic principles or heretics themselves.”
- **Does this mean that only Jews ‘have a share in the world to come’?**
- **How does this relate to**
 - (a) the Talmudic teaching “Righteous people of all nations have a share in the world to come” (Sanhedrin 105a), and**
 - (b) Maimonides’ view that anyone who upholds the Noahide laws only because they appear logical is not one of the “righteous among the nations” but rather (only) one of the wise among them.**
 - (c) What in this context is the attitude of Judaism to (i) Christianity and (ii) Islam**

Mishnah Avot (Pirke Avot) 3:9 (“Ethics of the Fathers”)

Rabbi Haninah ben Dosa says: ‘He whose fear of sin comes before his wisdom, his wisdom endures; but he whose wisdom comes before his fear of sin, his wisdom does not endure.’

- **What’s the message?**

Mishnah Avot (Pirke Avot) 3:15 (“Ethics of the Fathers”)

Everything is foreseen, yet freedom of choice is given. ... The world is judged with mercy.-yet everything is according to the amount of work.

- **What’s the message?**
- **Might this be a response to Christianity?**

Mishnah Avot (Pirke Avot) 3:17 (“Ethics of the Fathers”)

Rabbi Eleazar ben Azariah used to say: ‘The man whose wisdom exceeds his works — to what may he be compared? To a tree which has many branches but few roots. The wind comes along, uproots it, and overturns it, as Scripture says: “He shall be like a juniper tree in the desert. When good comes he shall not see it, but he shall dwell in the arid places of the wilderness, in a salt land, where no man can live” (Jer. 17:6). But the man whose works exceed his wisdom — to what may he be compared? To a tree which has few branches but many roots, so that even if all the winds in the world were to come and blow on it, they could not shift it from its place, as Scripture says: “He shall be like a tree planted by the waterside, that spreads out its roots along the stream. When heat comes, it shall not feel it, but its foliage shall stay green. It shall not be troubled in a year of drought, nor cease to bear fruit” (Jer. 17:8).’

- **What’s the message?**
- **What’s the relationship here between teaching, analogy and biblical text?**

Biii. Maimonides, The Thirteen Principles of the Jewish Faith

1. I believe with perfect faith that the Creator, blessed be His name, is the Creator and Guide of everything that has been created, and that He alone has made, does make, and will make all things.
 - **But Maimonides was also a scientist. How are they reconciled?**
2. I believe with perfect faith that the Creator, blessed be His name, is One, and that there is no oneness like His in any way, and that He alone is our God, who was, is and ever will be.
 - **Against what might this be directed?**
3. I believe with perfect faith that the Creator, blessed be His name, is not a body, and no physical phenomena can apply to Him, and that He has no form whatsoever.
 - **Against what might this be directed?**
4. I believe with perfect faith that the Creator, blessed be His name, is the first and is the last.
5. I believe with perfect faith that the Creator, blessed be His name, is the only one to whom it is proper to pray, and that it is not proper to pray to anyone else.
 - **Against what might this be directed?**
6. I believe with perfect faith that all the words of the prophets are true.
 - **What kind of ‘words’?**
7. I believe with perfect faith that the prophecy of Moses our teacher, peace be to him, was true, and that he was the father of all the prophets, both of those who preceded him and of those who followed him.
 - **What prophets preceded Moses?**
8. I believe with perfect faith that the entire Torah which we now possess is the same that was given to Moses our teacher, peace be to him.
 - **Against what might this be directed?**
9. I believe with perfect faith that the Torah will not be changed, nor will there be any other Torah from the Creator, blessed be His name.
 - **Against what might this be directed?**
10. I believe with perfect faith that the Creator, blessed be His name, knows all the actions and thoughts of human beings, as it is said, ‘It is He who fashions the hearts of them all, who discerns all their actions’ (Psalm 33:15).
11. I believe with perfect faith that the creator, blessed be His name, rewards those who keep His commandments, and punishes those who transgress His commandments.
 - **What is the relationship between 10 and 11? Is there a problem?**
12. I believe with perfect faith in the coming of the Messiah, and though he may tarry, I wait daily for his coming.
 - **Do Jews believe that the coming of the Messiah is imminent?**
13. I believe with perfect faith that there will be a resurrection of the dead at the time when it will please the Creator, blessed be His name and exalted be His mention for ever and ever.
 - **What kind of resurrection? Is this compatible with reincarnation?**
 - **What (that you might expect) is not included (compare Mishnah Sanhedrin 10:1, above)?**

Biv: The nature of God in as reflected in the liturgy

From the Selichot prayers

1. "Lord" 2. "Lord" 3. "G-d" 4. "Who is merciful" 5. "and Gracious" 6. "Long suffering" 7. "Abundant in loving kindness" 8. "Truthful" 9. "Guards loving kindness unto the thousandth generation" 10. "Forbears transgression" 11. "and Iniquity" 12. "and Misdeeds" 13. "and He will not hold clear of guilt"

- **The biblical source is Exodus 34:6-7. What is the context?**
- **How/when is it used in the liturgy?**

Opening of the Amidah

1. Blessed are you, O Lord our God and God of our fathers, God of Abraham, God of Isaac, God of Jacob, the great, mighty and revered God, God most high, generous and kind, owner of all things. You remember the pious deeds of the patriarchs, and in love will bring a redeemer to their children's children, for your name's sake, O King, Helper, Saviour and Shield. Blessed are you, O Lord, the Shield of Abraham.

2. O Lord, you are for ever mighty. You bring back the dead to life. You have the power to save. Out of loving kindness you sustain the living; with great compassion you revive the dead. You support the falling, heal the sick, free the captives, and keep faith with those who sleep in the dust. Who is like you, Lord of mighty deeds, and who may be compared to you, O King, who brings death and life. and causes salvation to spring forth? You are to be trusted to bring the dead back to life. Blessed are you, O Lord, who revives the dead.

- **The biblical source is Exodus 34:6-7. What is the context?**

F. The *Kedushah* (short version)

Reader – We will sanctify Thy Name in the world even as they sanctify it in the highest heavens, as it is written by the hand of thy prophet: And they (**who?**) called one unto the other and said,

Cong. – Holy, Holy, Holy is the Lord of Hosts: the whole earth is full of His glory. (Isa. 6:3)

Reader – Those over against (**who?**) them say, Blessed–

Cong. – Blessed be the glory of the Lord from his place. (Ezek. 3:12)

Reader – And in Thy Holy Words it is written, saying

Cong. – The Lord shall reign for ever, thy God, O Zion, unto all generations (Ps. 146:10), Praise ye the Lord

- **What is actually going on here?**
- **What is its theological significance?**

...

Hear, Israel, the Lord is our God, the Lord is One.

- **The source is Deut. 6:4**
- **For the full text of the *shema*, see <http://www.jewfaq.org/prayer/shema.htm>**
- **What other 'liturgical' uses are made of this verse?**

Civ: Zohar, Be-ha'alotkha, III 152a: The incarnation of Torah

Rabbi Simeon said: Woe to the man who says that the Torah intends to set forth mere tales and common talk! If that were so, then we could at once compose a torah out of common talk, one of much greater worth. If the Torah intends to disclose everyday matters, then the princes of the world possess books of greater excellence. Let us seek those out and make a torah of them.

- **What parts of the Torah might be regarded as "mere tales and common talk"?**

However, all the words of Torah are sublime and supernal mysteries. Observe: the upper world and the lower world are in perfect balance — Israel below corresponding to the angels above. Of the supernal angels Scripture says: 'Who makes his angels spirits [*ruhot*]' (Ps. 104:4). When the angels descend into the world below they dress themselves in garments appropriate to this world, for if they did not do so, they would not be able to remain in this world, nor could the world endure them.

- **In what respect does Israel below correspond to the angels above?**
- **Why could the world not endure the angels, if they did not dress themselves in garments appropriate to this world?**

If it is thus with the angels, how much more so must it be with the Torah, which created the angels and all the worlds, and through which all the worlds are sustained.

- **Did not God create the angels and all the worlds? Why is this regarded as heretical by Jewish opponents of mysticism?**

When it descended into this world, it put on the garments of this world, otherwise the world could not have endured it. So the stories of the Torah are only the Torah's outer garment.

- **Does the Torah “put on the garments of this world” in any other sense?**

Perdition take the man who mistakes that garment for the Torah itself, and thinks that there is nothing else to it! He shall have no portion in the world to come.

- **What is being criticized here?**

... In like manner the Torah has a body [*gufa*], viz., the commandments of the Torah which are called *gufei Torah* [literally, ‘bodies’, i.e. main principles, ‘of the Torah’; see Mishnah, Hagigah 1:8]. This body is clothed in garments made up of earthly tales. Foolish people look only at those garments, the tales of the Torah; they know nothing more and do not look at what is beneath the garment. Those who are wiser look not at the garment, but at the body beneath. But the true Sages, the servants of the Most High King, those who stood at Mount Sinai, look only at the soul [*nishmeta*] of the Torah, which is the root principle of all, the true Torah, and in the world to come they are destined to look at the soul of the soul [*nishmeta de-nishmeta*] of the Torah.

- **Who are the ‘true Sages’ and why is their view controversial?**

D(iii)(c) The Pittsburgh Platform, 1885

In view of the wide divergence of opinion and of the conflicting ideas prevailing in Judaism today, we, as representatives of Reform Judaism in America, in continuation of the work begun at Philadelphia in 1869, unite upon the following principles:

First — We recognise in every religion an attempt to grasp the Infinite One, and in every mode, source or book of revelation held sacred in any religious system the consciousness of the indwelling of God in man.

- **What is the problem with this?**

We hold that Judaism presents the highest conception of the God-idea as taught in our holy Scriptures and developed and spiritualised by the Jewish teachers in accordance with the moral and philosophical progress of their respective ages.

- **What is Reform about this?**

We maintain that Judaism preserved and defended amid continual struggles and trials and under enforced isolation this God-idea as the central religious truth for the human race.

- **What is Reform about this?**

Second — We recognize in the Bible the record of the consecration of the Jewish people to its mission as priest of the One God, and value it as the most potent instrument of religious and moral instruction. We hold that the modern discoveries of scientific researches in the domains of nature and history are not antagonistic to the doctrines of Judaism, the Bible reflecting the primitive ideas of its own age and at times clothing its conception of divine providence and justice dealing with man in miraculous narratives.

- **What is Reform about this?**

Third — We recognize in the Mosaic legislation a system of training the Jewish people for its mission during its national life in Palestine, and to-day we accept as binding only the moral laws and maintain only such ceremonies as elevate and sanctify our lives, but reject all such as are not adapted to the views and habits of modern civilization.

- **Where does the distinction between ‘moral’ or ‘ceremonial’ laws come from? See http://www.sdarm.org/questions/faq_laws.htm (from a Seventh Day Adventist source)**
- **Are all laws either ‘moral’ or ‘ceremonial’?: see http://www.jesus-is-savior.com/Believer's%20Corner/sabbath_moral_or_ceremonial_law.htm and the question on the Eighth point, below.**
- **Note the 3-fold classification of Aquinas, Summa Theologica, Qu. 104, at <http://www.lonang.com/exlibris/aquinas/sum12104.htm>, where he uses ‘judicial’ where some other writers use ‘civil’ laws:**

I answer that, As is evident from what we have stated above (95, 2; 99, 4), in every law, some precepts derive their binding force from the dictate of reason itself, because natural reason dictates that something ought to be done or to be avoided. These are called "moral" precepts: since human morals are based on reason. At the same time there are other precepts which derive their binding force, not from the very dictate of reason (because, considered in themselves, they

do not imply an obligation of something due or undue); but from some institution, Divine or human: and such are certain determinations of the moral precepts. When therefore the moral precepts are fixed by Divine institution in matters relating to man's subordination to God, they are called "ceremonial" precepts: but when they refer to man's relations to other men, they are called "judicial" precepts. Hence there are two conditions attached to the judicial precepts: viz. first, that they refer to man's relations to other men; secondly, that they derive their binding force not from reason alone, but in virtue of their institution

- **What is the status (rational, revealed, both?), and authority for Christians, of each of these categories?**
- **Why should 'the moral laws' be immune to change? Might they also reflect 'the primitive ideas' of their own age?**

Fourth — We hold that all such Mosaic and Rabbinical laws as regulate diet, priestly purity and dress originated in ages and under the influence of ideas altogether foreign to our present mental and spiritual state. They fail to impress the modern Jew with a spirit of priestly holiness; their observance in our days is apt rather to obstruct than to further modern spiritual elevation.

- **Why then do Orthodox Jews retain these laws?**

Fifth — We recognize in the modern era of universal culture of heart and intellect the approach of the realisation of Israel's great Messianic hope for the establishment of the kingdom of truth, justice and peace among all men. We consider ourselves no longer a nation but a religious community, and therefore expect neither a return to Palestine, nor a sacrificial worship under the administration of the sons of Aaron, nor the restoration of any of the laws concerning the Jewish state.

- **What is the theological claim here being made about the nature of messianism?**
- **Note 'no longer' a nation. Is this related to notions of 'progress' (and see next paragraph)**

Sixth — We recognize in Judaism a progressive religion, ever striving to be in accord with the postulates of reason. We are convinced of the utmost necessity of preserving the historical identity with our great past. Christianity and Islam being daughter-religions of Judaism, we appreciate their mission to aid in the spreading of monotheistic and moral truth. We acknowledge that the spirit of broad humanity of our age is our ally in the fulfilment of our mission, and therefore we extend the hand of fellowship to all who co-operate with us in the establishment of the reign of truth and righteousness among men.

- **Should Reform Jews then support Christian missionary activities? What if these activities are directed toward Reform Jews?**
- **On the relationship between Reform Judaism and Christianity, see also the discussions of the work of Claude Montefiore, e.g. at http://en.wikipedia.org/wiki/Claude_Montefiore**

Seventh — We reassert the doctrine of Judaism, that the soul of man is immortal, grounding this belief on the divine nature of the human soul which forever finds bliss in righteousness and misery in wickedness. We reject as ideas not rooted in Judaism the belief both in bodily resurrection and in Gehenna and Eden (hell and paradise), as abodes for everlasting punishment or reward.

- **Would you agree that that the belief in bodily resurrection is one 'not rooted in Judaism'?**

Eighth — In full accordance with the spirit of Mosaic legislation which strives to regulate the relation between rich and poor, we deem it our duty to participate in the great task of modern times, to solve on the basis of justice and righteousness the problems presented by the contrasts and evils of the present organisation of society.

- **Is this aspect of 'Mosaic legislation' then part of the 'moral law' (see questions on the Third point) or the 'civil law'?**

From Columbus Platform:

4. *Torah*. God reveals Himself not only in the majesty, beauty and orderliness of nature, but also in the vision and moral striving of the human spirit. Revelation is a continuous process, confined to no one group and to no one age. Yet the people of Israel, through its prophets and sages, achieved unique insight in the realm of religious truth. The Torah, both written and oral, enshrines Israel's ever-growing consciousness of God and of the moral law. It preserves the historical precedents, sanctions and norms of Jewish life, and seeks to mould it in the patterns of goodness and of holiness. Being products of historical processes, certain of its laws have lost their binding force with the passing of the conditions that called them forth. But as a depository of permanent spiritual ideals, the

Torah remains the dynamic source of the life of Israel. Each age has the obligation to adapt the teachings of the Torah to its basic needs in consonance with the genius of Judaism.

D(iii)(d) S. R. Hirsch on the dangers of updating Judaism (selection)

(1) If the Bible is to be for me the word of God, and Judaism and the Jewish law the revealed will of God, am I to be allowed to take my stand on the highway of the ages and the lands and ask every mortal pilgrim on earth for his opinions, born as they are between dream and waking, between error and truth, in order to submit the word of the living God to his approval, in order to mould it to suit his passing whim? And am I to say: 'See here modern, purified Judaism! Here we have the word of the living God, refined, approved and purified by men!'

- **What theory of meaning of 'the word of God' is assumed here?**

(2) Let us not delude ourselves. The whole question is quite simply this. Are the words 'And God spoke to Moses as follows,' with which the laws of the Jewish Bible begin, true or false? Do we really and truly believe that the omnipotent, holy God spoke thus to Moses? Are we speaking the truth when, in the presence of our brethren, we lay our hand upon the Torah Scroll and say that God has given us this teaching, his teaching, the teaching of truth, and in so doing has planted eternal life in our midst? If this is to be more than lip service, more than verbiage and deception, then we must keep this Torah and fulfil it without abridgement, without fault-finding, under all circumstances and at all times. This word of God must be for us the eternal rule, superior to all human judgement, to which at all times we must conform ourselves and all our actions, and, instead of complaining that it is not in tune with the age, our one complaint should be that the age is not in tune with it!

- **Does the belief in divine revelation exclude any possibility of change? Does Orthodoxy really believe this?**

(3) And if in fulfilling this word of God we choose to follow the teachings and precepts that have come down to us from the Rabbis, then once again we may and indeed must do so only if and because those teachings (passed down as they are to us by those selfsame generations from whose hand we are prepared to receive as authentic the written word of God) are regarded by us as a tradition orally transmitted by God, the selfsame omnipotent, holy God, to Moses, and from Moses to each succeeding generation — a tradition established for the purpose of regulating the practical observance of God's word. This tradition, on the other hand, is for us nothing more than tradition, the word of God passed, on orally as Rabbinic Judaism has always taught through the long centuries of its history.

- **What does this assume about the nature of the Oral Law 'transmitted by God ... to each succeeding generation'**

(4) But if this tradition is for us no tradition, but only a mask, a pious fraud by which a priestly caste has foisted its own views on the people as the transmitted word of God; if, in consequence, the fathers have deceived their sons and grandsons, allowing them to live and suffer, to endure and die, for the sake of a deception and delusion; if each of us can be his own oracle and mould the Biblical laws to suit his own views and opinions, then that law is no longer and ought no longer to be God's word; then God did not speak to Moses; then what we have in our hands is not divine teaching; then we, and the whole of humanity whose hopes of salvation are rooted in this word, are all deceivers and deceived, and it is high time openly and freely to get rid of the whole miserable business.

These are the alternatives; there are no others. If Judaism has been established by God, then its business is to teach the age, but not to let itself be taught by the age.

- **Should this be viewed as an early (polemical) response to Reform?**

(5) And when the Jewish state fell in ruins, because Jeroboam in his cleverness had introduced for the first time the principle of adapting Judaism to conform to the times, and Judah once again wandered into strange lands, God addressed to them through the mouth of his prophets this warning valid for all time: 'But what you have in mind will never come to pass, when you say, "We shall be like the peoples of all other lands, worshipping wood and stone"' [Ezek. 20:32]. 'Remember the teaching of Moses my servant which I commanded to him on Horeb for all Israel, even statutes and ordinances' [Mal. 4:4]

- **What is the strategy employed here to argue against Reform?**

(6) God concluded with him and with his descendants the most separatist of covenants and sealed this covenant with the most separatist of signs, marked on his body and the bodies of his descendants. Yet see how, with this painful sign of separation still fresh on his body, Abraham sits outside his tent in the heat of the sun, keeping watch

for weary travellers, inviting wayfarers — strangers and idolaters — into his house, and showing compassion and kindness, and the all-embracing love of God, to his fellow men without distinction.

- **Why stress the ‘separatism’ of the Abrahamic covenant?**

(7) How could it have been any different. Was not this universalism, this broad sympathy, those good deeds done to all without distinction, the essence and object, the reason and meaning of his separation? Was it not this very universalism which set him apart? According to the profound words of our Sages, it was when men, to perpetuate their own fame, had begun to build a tower reaching up to heaven, that God called Abraham to himself. They were motivated by selfish pleasure-seeking and ambition. They said: ‘*Na’aseh lanu shem* — Let us make for ourselves a name’ [Gen. 11:4]. Their famous monument separated and divided men from each other, though it seemed to unite them. It was then God said to Abraham: ‘You must go another way. Desire nothing for yourself, for your own blessing, for your own fame. In my name call men together, *qara ba-shem* [Gen. 12:8], and be a blessing to them, *heyeh berakhah* [Gen. 12:2], for see, I have destined you to be the father of mankind. Let this be your blessing, this your fame!

This remained the fundamental character of Judaism. Abraham was set apart for the sake of mankind, and for the sake of mankind Judaism has to follow its separate path through the ages.

- **How is the separatism justified?**

(8) Judaism is the one religion which does not say: ‘Outside me there is no salvation!’ It is Judaism — a religion decried for its supposed particularism — which teaches that the upright of all peoples are journeying towards the same blessed destination. It is the very same Rabbis, so often disparaged for their alleged particularism, who point out that when the prophets and poets predict a glorious new day for humanity they say nothing about priests, Levites and Israelites, but speak only of ‘the righteous’, ‘the just’, and ‘the honest’, and so the righteous, the just and the honest of all peoples are included in the most glorious blessing...

- **What does Hirsch have in mind in distinguishing Judaism from religions which say: ‘Outside me there is no salvation’?**

(9) For he [the Orthodox Jew] knows that the just and the pure of all societies are working with him for the kingdom of God on earth.

- **Note this Orthodox Jewish endorsement of the concept of ‘the kingdom of God on earth’ (*malkhut shamayim*)? Is this also a point of difference from Reform Judaism?**

(10) And it is his Judaism — guiding him as it does through the garden of nature and the galleries of history, and summoning him to use his powers fully in the service of God — that encourages him to perceive in each newly discovered truth a welcome contribution to the clearer revelation of God in nature and in history, and to recognise in each new art and science a welcome addition to the means for rendering perfect service to God. Hence the Jew will not shy away from any science, any art or education, provided that it is truly genuine, truly moral, and truly promotes the good of mankind. He has to test everything by the eternally inviolable touchstone of his divine law. Whatever fails this test, he totally disregards. ... No matter in whose mind it originated, no matter who uttered it, he will always be ready *le-qabbel ha-emet mimmi she-amarah* [to accept the truth no matter who speaks it]. Nowhere will he ever sacrifice so much as a thread of his Judaism, nowhere will he ever shape his Judaism to suit the times, but, whenever his age offers him anything consonant with his Judaism, he will gladly make it his own.

- **This is Hirsch’s concept of *torah im derekh erets*? But to what kind of modern knowledge does this acceptance of ‘truth no matter who speaks it’ apply?**

3. Readings and Questions for postgraduate students [Reply to no.1 in the Moodle Forum for this week; nos.2-3 for discussion in the postgraduate session, 6.00-7.00 p.m. next week]

Unterman, *The Jews*, pp.16-20, 31-32, 55-59, 65-84
Rosen, *Understanding Judaism* (2003), 100-125 (chs.7-8)
Solomon, *Judaism*, pp.109-25

Further Reading

“Kabbalah and Jewish Mysticism”: <http://www.jewfaq.org/kabbalah.htm>
Alexander, *Textual Sources*, pp.20-26
Article: ‘S.R. Hirsch’, in *Encyclopaedia Judaica*, vol. 8, cols 476-78.

Berkovits, Eliezer, *Not in heaven: the nature and function of Halakha*, 1993
 Biale, R., *Women and Jewish law: an exploration of women's issues in Halakhic sources* (1984), chs.1-3
 Blau, J.L., *Judaism in America: from curiosity to third faith* (1976), 32-45, 57-72
 Cohn-Sherbok, *Judaism. History, Belief and Practice* (2003), chs. 40, 43-45, 55-71
 Cohn-Sherbok, *The Jewish Heritage*, chs. 7, 8 and 12 and pp.152-57, 171-80
<http://en.wikipedia.org/wiki/Disputation>
<http://en.wikipedia.org/wiki/Kabbalah>
 Jacobs, L., *Principles of the Jewish Faith: An Analytical Study* (2008)
 Jacobs, L., *We Have Reason to Believe* (1995, 4th ed.), esp. chs.6-8
 Raphael, M.L., *Profiles in American Judaism: the reform, conservative, orthodox, and reconstructionist traditions in historical perspective* (1984)
 Reif, S.C., *Judaism and Hebrew Prayer* (1993), chs.3-4
 Scholem, G., *Origins of the Kabbalah* (1962), ch.1
 Strauss, L., *Philosophy and law: Essays toward the Understanding of Maimonides and his Predecessors*, 1987
 Unterman, A., *The Wisdom of the Jewish Mystics* (1976),

1. Comment on any THREE of the questions posed on Maimonides, The Thirteen Principles of the Jewish Faith (above)
2. To what extent does Jewish theology and liturgy reflect interactions with Christianity
3. To what extent do variations in Jewish theology reflect the cultural and historical environment?

Dec. 3rd: Holocaust Theology

The impact of the Holocaust on Jewish views of the nature and activity of God, the suffering of the innocent, the nature of the covenant, eschatological expectation, with comparison to Christian views

1. Themes

- 1 'The Holocaust': what does the term mean
 - (a) Preferred Hebrew terms: *sho'ah* (disaster/destruction), *hurban* (disaster, applied also to the destruction of the first and second temples)
 - (b) What kind of Jewish communities did it affect? Why might this be *theologically* significant? [Compare Genesis 18:23-32?]
- 2 Cultural and political roots of the Holocaust, and its uniqueness (?)
 - (a) What were its cultural roots?
 - German Romanticism? (Savigny, the brothers Grimm)
 - Christian anti-Judaism: institutional discrimination (e.g. 4th Lateran Council: see extracts in Text (b), below) and popular prejudice (the deicide charge and blood libels, e.g. William of Norwich)
 - Christian theology: Rosemary Radford-Ruether, 5c below, on "high Christology"; Franklin Littell, 5d below, on supersessionist theology; Roy Eckardt, 5e below, on anti-semitic elements in the NT
 - Classical anti-Semitism: the Jews as an inferior culture/race; the Jewish conspiracy ('scapegoating').
 - Consider the relationship of all the above to the testimony of Dieter Wisliceny in Texts (c) below.
 - (b) What were its political roots?
 - The founding of the Nazi party in Germany in the aftermath of WWI: the economic and social problems after the Versailles Treaty; the struggle with communism [hence approach of Pius XII?]
 - (c) Was it 'unique'? : state policy, total extermination, application of industrial processes to genocide
 - Theological views: contrast Wiesel (3c below) and Roy Eckardt (5e below) with Berkovits (5g below)
- 3 Varieties of (mainly Jewish) Holocaust Theology
 - a) Questioning of God's existence
 - Richard Rubenstein (American-born, Conservative-trained rabbi, author of *After Auschwitz*, 1966, *The Cunning of History* 1978): The God of tradition is dead; God as 'Holy nothingness'. See texts (d)(vi) below.
 - b) Questioning of God's nature (power, goodness, justice?)
 - Consider Ezekiel 18 (below)
 - Jürgen Moltmann (1926-, German Protestant Theologian, author of *The Crucified God*): served in German army in WWII, found faith later in PoW camp; influenced by existentialist philosophy and the Marxism of the Frankfurt School, particularly Theodor Adorno and Max Horkheimer - close associate of Paul Tillich: After Auschwitz the traditional notion of God needed to be completely revised: the impassible "unmoved mover" died in the camps and is now replaced by a "crucified God" who is both a "suffering" and "protesting" God (the basis for future eschatological hope). Elements (but also differences) in common with both "death of God" and "liberation" theology.
 - c) The 'classical' attitude: God's ways ultimately beyond human understanding
 - Elie Wiesel (1928-, born into a Romanian *shtetl*, survivor of Auschwitz and Buchenwald, author of *Night*, 1960; *The Trial of God*, 1979): Uniqueness and incomprehensibility of the Holocaust, leading to scepticism about both belief and

- disbelief: does the hanging child represent a suffering God or a dead one? But expressed in a non-theological (observer narrative) style. See texts (d)(ii) below.
- d) A punishment (but for what?)
 - Haredi attitudes: The Satmar Rebbe (a punishment specifically for Zionism!) v. the Lubavitcher Rebbe, who entirely rejects explaining the Holocaust as an act of divine punishment. See texts (d)(i) below.
 - Consider Babylonian Talmud Berakhot 5a (in Texts, below)
 - e) A sacrifice (but cui bono?)
 - Ignaz Maybaum (Austrian-born Reform rabbi, serving in Germany until 1939, author of *The Face of God After Auschwitz*, 1965): Holocaust victims as the Suffering Servant (Isaiah 53) and vicarious atonement: Jews were sacrificed during the Shoah for the sake of the World (a Christian approach)? Hitler as an instrument of revelation. See quotation in texts (d)(iv) below.
 - Compare Moltmann, (b) above
 - f) The ‘classical’ attitude: God’s ways ultimately beyond human understanding
 - Wiesel (above)
 - g) God ‘hid his face’
 - Eliezer Berkovits (Orthodox rabbi, serving in Germany until 1939, author of *Faith After the Holocaust*, 1973, *With God in Hell*, 1979): cites Deuteronomy 31:18, where God says that “I will surely hide My face on that day” (*hester panim* in Hebrew); rejects uniqueness. See texts (d)(v) below.
 - Cf. Psalm 44:23-26 (in Texts, below)
 - h) God respects freedom of human will
 - Berkovits (above): The Holocaust results from the necessity of God to hide his face to grant humans free will
 - Cf. Paul van Buren (5f below)
 - but does that mean that he has to give effect to the *results* of free human will? And what were human wills conflict?
 - And what about Ecclesiastes Rabbah 10:11 (in Texts, below)
 - i) A breach (by God) of the covenant relationship
 - Irving Greenberg (1933-, US Orthodox rabbi, author of *Cloud of Smoke, Pillar of Fire: Judaism, Christianity, Modernity After the Holocaust*, 1976): God broke the covenant, and therefore allegiance to him is optional: the “voluntary covenant”: see <http://www.clal.org/e102.html>. Distinguishes (and rejects) three biblical models: Job and Song of Songs (Israel is God’s ambiguous presence); Suffering Servant (Holocaust victims are the vicarious sufferers); Lamentations 3 (anger at God while remembering his mercies – an easy faith is not possible). See texts (d)(vii) below.
 - Compare Roy Eckardt, 5e below
 - Paul van Buren, 5f below, on one covenant, not two
 - j) A theological/political message: the need for redemption?
 - the etymology of ‘redemption’
 - Emile Fackenheim (German-born Canadian Reform rabbi, survivor of Sachsenhausen, author of *God’s Presence in History*, 1970; *The Jewish Return to History*, 1978, *To mend the world : foundations of post-holocaust Jewish thought* *To Mend the World*, 1982): the Holocaust reveals unto us a new (614th) Biblical commandment, “We are forbidden to hand Hitler posthumous victories”; accounting for Jewish survival by the mystical tradition whereby the world is broken and needs *tikkun* (repair – in terms of resistance); distinction between theological and popular Jewish responses: theologians struggle to respond, Jews commit to Jewish survival. See texts (d)(iii) below.
 - But see Rosemary Radford-Ruether, 5c below, and Roy Eckardt, 5e below.
 - k) A feminist approach
 - Melissa Raphael (1960-, Anglo-Jewish feminist, author of *The Female Face of God in Auschwitz* 2003): The feminine presence of God (*shekhinah*) can be traced in the acts of loving kindness among female camp inmates; “hiddenness” as a motif of both God’s female dimension and women’s experience of Judaism. See texts (d)(viii) below.

- 4 Christian attitudes at the time
 - a) The 'righteous gentiles'
 - b) Pius XII

- 5 Later Christian attitudes
 - a) Vatican II: see texts (3)(i) below.
 - b) Benedict XVI: see texts (3)(ii) below
 - c) Rosemary Radford-Ruether (1936-, US Catholic feminist, author of *Faith and Fratricide; the Theological Roots of Anti-Semitism*, 1974; 'The Adversus Judaeos Tradition in the Church Fathers' 1979): A high Christology is inherently anti-Judaic, and Zionist interpretations of Holocaust Theology perpetuate anti-Palestinian prejudice: see texts in (e)(iii) below
 - d) Franklin Littell (US Methodist minister and lecturer, founding member of Washington Holocaust Museum; an officer during the American occupation of post-war Germany; author of *The Crucifixion of the Jews*, 1975): The Holocaust is a Christian responsibility: the 'superseding myth' had 'murderous implications': (i) God is finished with the Jews (ii) the Christian Church is the New Israel (iii) Scripture not intrinsically anti-Judaic: it is the supercessionist *use* of the New Testament that is the problem. See texts in (e)(iv) below
 - e) Roy Eckardt (1918-1998, Methodist minister and lecturer at City University, student of James Parkes, served on the US Holocaust Memorial Council; author of *Long Night's Journey into Day*, 1982): The Holocaust as revelation: the Shoah is unique (because of the unique nature of anti-Semitism) and divides history into BFS and AFS (Before and After Final Solution); the New Testament is not anti-Semitic but contains anti-Semitic elements: the resurrection is triumphalist and leads to anti-Semitism; the Covenant/Election must be abrogated AFS; the State of Israel is the healthy *secularisation* of Israel and must be supported. See texts in (e)(v) below
 - f) Paul van Buren (1924-1998), Episcopal priest, lecturer at Temple University. Associated with the 'Death of God' movement in 1960s, author of *A Theology of the Jewish Christian Reality: 1. Discerning the Way*, 1980, 2. *A Christian Theology of the People Israel*, 1983, 3. *Christ in Context*, 1988): a critic of 'Holocaust Theology' - what is needed is a radical transformation based on a rereading of the NT as demonstrating One Eternal Covenant, initially with Israel alone, then extended by Jesus (bringing Gentiles into the renewed covenant); God should be the primary focus, as it was for Jesus; the Church's mission is to protect the Jewish State and to support Israel's Torah fidelity; the Holocaust is a high but necessary price for free-will. See texts in (e)(vi) below.

2. Texts for discussion

(a) Biblical and Rabbinic sources

Ezekiel 18

²⁵ "Yet you say, 'The way of the Lord is not just.' Hear, O house of Israel: Is my way unjust? Is it not your ways that are unjust? ²⁶ If a righteous man turns from his righteousness and commits sin, he will die for it; because of the sin he has committed he will die. ²⁷ But if a wicked man turns away from the wickedness he has committed and does what is just and right, he will save his life. ²⁸ Because he considers all the offences he has committed and turns away from them, he will surely live; he will not die. ²⁹

- **What is the problem here and what is Ezekiel's answer?**
- **How does this relate to the Ten Commandments:** "I the LORD your God am a jealous God, visiting the iniquity of the fathers upon the children to the third and the fourth generation of those who hate me, but showing steadfast love to thousands of those who love me and keep my commandments" (*Exodus* 20:5-6).
- **What does the following Talmudic (BT Shabbat 55a-b) comment on Ezekiel 18 add?**
 "The soul who sins is the one who will die. The son will not share the guilt of the father, nor will the father share the guilt of the son. The righteousness of the righteous man will be credited

to him, and the wickedness of the wicked will be charged against him". There is death without sin and there is suffering without transgression...

Psalm 44:23-26

²³ Awake, why sleepest thou, O Lord? arise, cast us not off for ever. ²⁴ Wherefore hidest thou thy face, and forgettest our affliction and our oppression? ²⁵ For our soul is bowed down to the dust: our belly cleaveth unto the earth. ²⁶ Arise for our help, and redeem us for thy mercies' sake.

- **What is the problem here and what is the Psalmist's answer?**

Ecclesiastes Rabbah 10:11

Never does a snake bite... or a lion tear [its prey]... or a government interfere in men's lives unless incited to do so from on high.

- **Why might this be particularly relevant to Holocaust Theology?**

Babylonian Talmud Berakhot 5a

Should a man see sufferings come upon him, let him scrutinise his actions, as it is said, 'Let us search and try our ways, and return unto the Lord' (Lam 3:40). If he has scrutinised his actions without discovering a cause, let him attribute them to neglect of Torah, as it is said 'Happy is the man who thou chastenest, and teachest out of thy Law' (Ps 94:12). If he attributed them to neglect of Torah without finding any justification, it is certain that his sufferings are chastenings of love, as it is said, 'For whom the Lord loves he chastens' (Prov 3:12).

- **Distinguish the three stages of this argument.**
- **What is the ultimate conclusion?**

(b) The Fourth Lateran Council (1215): Decrees Concerning the Jews

LXVIII. That Jews should be distinguished from Christians in dress

In certain provinces a difference in dress marks off the Jews and the Saracens from the Christians, but in certain others there has arisen such confusion that Jews and Saracens cannot be distinguished, from Christians by any differentiating mark. Thus it sometimes happens that by mistake Christians have intercourse with Jewish or Saracen women, and Jews or Saracens with Christian women. Therefore, to prevent these people in future finding an excuse for the sin of such forbidden intercourse under the cloak of an error, we decree that Jews and Saracens of both sexes, in every Christian province and at all times, shall be clearly and visibly differentiated from other peoples by the character of their dress, especially since such legislation is imposed upon them also by Moses [cf. Num. 15:37-41; Deut. 22:12].

- **What do the biblical citations refer to? Is it a good argument?**
- **Is there a biblical basis for the "sin of such forbidden intercourse"?**

Moreover, we most strictly forbid that anyone should so far presume as to break forth into insults against the Redeemer. And, since we ought not to ignore any insult offered to Him who blotted out our transgressions, we command that secular princes should restrain such impudent persons by imposing on them fitting punishment, lest they should so far presume as to blaspheme Him who was crucified for us.

- **Why do you think such "insults" are categorized as "blasphemy"?**
- **Who is here claimed to have crucified Christ?**

LXIX. That Jews should not be appointed to public office

Since it is altogether absurd that a blasphemer of Christ should exercise authority over Christians, we forbid Jews to be given preferment in public office, since this affords them a pretext under which they can vent their hostility towards Christians. Association with Christians, whether in commerce or in other matters, shall be denied to such a Jewish official until all that he has acquired from Christians through the office that he held is turned over for the use of the Christian poor under the direction of the diocesan bishop, and he relinquishes the office which he has impiously assumed, in disgrace. We extend this law also to pagans.

- **What is assumed here regarding the power of office-holders?**

LXX. That those Jews who have converted to the faith should not continue to observe Jewish rites

We have heard that certain people who have come of their own free will to the waters of holy baptism, have not altogether put off the old man, in order to put on more perfectly the new, since they retain remnants of their former rites, and tarnish the beauty of the Christian religion by such an admixture. Since it is written, 'Woe to the man who

treads two paths' [Eccl. 2:12/14], and since it is forbidden to wear a garment woven both of linen and wool [Lev. 19:19; Dent. 22:11], we decree that the prelates of the Churches should restrain by every means such persons from observing their old religious rites, for it is necessary for their salvation that those whom the exercise of free will has brought to the Christian religion should be subjected to compulsion, in order to keep them loyal to Christian observance, since it is a lesser evil never to have acknowledged the way of the Lord, than, having acknowledged it, to backslide.

- **What would such Jews have been called in ancient times?**
- **Why is the mediaeval Church more concerned with this than the ancient Church?**

(c) Dieter Wisliceny's account of Himmler's antisemitic 'world-view' (November 1946)

(on Wisliceny, see http://en.wikipedia.org/wiki/Dieter_Wisliceny)

Dieter Wisliceny was a member of the Nazi SS. During implementation of the Final Solution, his task was the ghettoization and liquidation of several important Jewish communities in Nazi-occupied Europe, including those of Greece, Hungary and Slovakia. Wisliceny also re-introduced the yellow star in occupied countries, the yellow star being used to distinguish Jews from non-Jews. He was an important witness at the Nuremberg trials, and his testimony would later prove important in the prosecution of Adolf Eichmann for war crimes in Israel in 1961. Wisliceny was extradited to Czechoslovakia, where he was tried and hanged for his crimes in 1948.

Before I go into developments since the outbreak of the Russian war, I must touch briefly on a subject which in all previous accounts of these events is barely mentioned, but without which it is impossible to obtain a clear view of the situation. I refer to the reasons which led Hitler and Himmler to undertake the destruction of European Jewry.

Antisemitism constituted one of the basic elements of the Nazi party's programme. Essentially it was the product of two ideas: (1) the pseudo-scientific biological theories of Professor Günther, and (2) a mystical-religious notion that the world is ruled by good and evil powers. According to this view the Jews represented the evil principle, aided and abetted by the Church (the Jesuit Order), Freemasonry and Bolshevism. It is absolutely impossible to make any impression on this outlook by means of logical or rational argument; it is a sort of religiosity which compels men to form themselves into a sect. Under the influence of this literature millions of people believed these things - an event which can only be compared with similar phenomena of the Middle Ages such as witch mania. Against this world of evil the race-mystics set the world of good, of light, embodied in blond, blue-eyed people who alone were supposed to possess the capacity for creating civilisation or building a State. Now these two worlds were allegedly locked together in constant strife, and the war of 1939, which Hitler started, represented only the final battle between these two powers. People are strongly tempted to see Himmler as an ice-cold, cynical politician. This view is certainly incorrect. In his whole attitude Himmler was a mystic, who embraced this 'world view' with religious fanaticism.

- **Where does Christianity stand in this account of Nazi ideology?**
- **If it is a 'pagan' ideology, does it still borrow from the Judaeo-Christian tradition?**

Once possessed of the necessary power, he began to translate into reality his new 'Religion of Race' with the sort of icy fanaticism that is characteristic of someone afflicted with religious mania. So he wanted to turn the SS organisation into a 'Nordic blood brotherhood', to act as 'a bulwark against Jewry, the Church and Bolshevism'. All aspects of life which did not fit in with this concept were either swept aside or destroyed. While he for his part consulted astrologers and dabbled in all the occult sciences, the SS gradually evolved into a new kind of religious sect, with its own forms and customs, in which crude materialism was mixed up with vague deistical notions. Personal achievement was no longer recognised, but advancement depended on the number of one's children, or leaving the Churches, and other such things. Himmler called for the severest measures against the 'World of the Sub-humans'. So the concentration camps came into being. In Himmler's opinion feelings of humanity were only a case of Christian 'spinelessness'. On Himmler's orders Nietzsche's saying, 'Praised be whatever makes for hardness', hung as a text on the wall of almost every SS office. There can be no doubt that Hitler was aware of Himmler's attitude and approved of it, since his own ideas were so similar. The more Himmler's power increased in the sphere of domestic affairs, the more the Jews and their fate fell under his control. In Himmler's opinion to seek for a solution to the Jewish question through emigration or colonial settlement was no solution, but only a shelving of the problem, so strongly did the idea of 'world domination' take possession of him. Certainly, as Eichmann once observed, he had agreed to the Madagascar plan only out of regard to world publicity, and from political motives. That in his own mind he was thinking of the destruction of European Jewry is shown by events after the outbreak of the war with Russia. He, as well as Heydrich and his aides Müller and Eichmann, were

determined 'to deliver to Jewry a blow from which it would never recover', as Eichmann put it with cynical candour in 1944.

- **What elements of this should be particularly repugnant to the Church, and why?**
- **What informed the 'diplomacy' of Pope Pius XII?**

(d) Jewish approaches to Holocaust Theology

(i) Conflicting ultra-orthodox views of the meaning of the Holocaust

A. Ravitzky, *Messianism, Zionism and Jewish Religious Radicalism* (1996), p. 124 quotes Satmar leader and Holocaust survivor Rabbi Joel Teitelbaum:

Because of our sinfulness we have suffered greatly, suffering as bitter as wormwood, worse than any Israel has known since it became a people...In former times, whenever troubles befell Jacob, the matter was pondered and reasons sought--which sin had brought the troubles about--so that we could make amends and return to the Lord, may He be blessed...But in our generation one need not look far for the sin responsible for our calamity...The heretics have made all kinds of efforts to violate these oaths, to go up by force and to seize sovereignty and freedom by themselves, before the appointed time...[They] have lured the majority of the Jewish people into awful heresy, the like of which has not been seen since the world was created...And so it is no wonder that the Lord has lashed out in anger...And there were also righteous people who perished because of the iniquity of the sinners and corrupters, so great was the [divine] wrath.

- **Does R. Teitelbaum regard the Holocaust as unique?**
- **What is heresy to which R. Teitelbaum refers?**

The Contrary view of the Lubavitcher Rebbe, R. Menachem Mendel Schneerson:

The destruction of six million Jews in such a horrific manner that surpassed the cruelty of all previous generations, could not possibly be because of a punishment for sins. Even the Satan himself could not possibly find a sufficient number of sins that would warrant such genocide! There is absolutely no rationalistic explanation for the Holocaust except for the fact that it was a Divine decree ... why it happened is above human comprehension – but it is definitely not because of punishment for sin. On the contrary: All those who were murdered in the Holocaust are called “Kedoshim” – holy ones – since they were murdered in sanctification of G–d’s name....It is inconceivable that the Holocaust be regarded as an example of punishment for sin, in particular when addressing this generation, which as mentioned before is “a firebrand plucked from the fire” of the Holocaust

- **Did R. Teitelbaum base his argument on the ‘number of sins’? Does Judaism believe in some “cardinal” sins which have a special status?**
- **In what sense may all the victims (including the non-Jewish victims?) be called “holy ones” (martyrs?) as having been “murdered in sanctification of G–d’s name, irrespective of their religious beliefs”?**
- **Is this relevant to modern debates about Jewish identity?**

What greater conceit and what greater heartlessness, can there be than to give a "reason" for the death and torture of millions of innocent men, women and children? Can we presume to assume that an explanation small enough to fit inside the finite bounds of human reason can explain a horror of such magnitude? We can only concede that there are things that lie beyond the finite ken of the human mind. It is not my task to justify God on this. Only God Himself can answer for what He allowed to happen. And the only answer we will accept, is the immediate and complete Redemption that will forever banish evil from the face of the earth and bring to light the intrinsic goodness and perfection of God's creation.http://en.wikipedia.org/wiki/Holocaust_theology_-_cite_note-1#cite_note-1

- **What is the Lubavitcher Rebbe’s basic approach to the problem?**
- **How does he relate this to Hasidic philosophy, and how has this affected modern Jewish life?**

To those who argued that the Holocaust disproves the existence of God or His providence over our lives, Schneerson wrote: On the contrary—the Holocaust has decisively disproven any possible faith in a human-based morality. In pre-war Europe, it was the German people who epitomized culture, scientific advance and philosophic morality. And these very same people perpetrated the most vile atrocities known to human history! If nothing else, the Holocaust has taught us that a moral and civilized existence is possible only through the belief in and the acceptance of the Divine authority. Our outrage, our incessant challenge to God over what has occurred—this itself is a most powerful attestation to our belief in Him and our faith in His goodness. Because if we did not, underneath it all, possess this faith, what is it that we are outraged at? The blind workings of fate? The random arrangement of quarks that make up the universe? It is only because we believe in God, because we are convinced that there is right and there is wrong and that right must, and ultimately will, triumph, that we cry out, as Moses did: "Why, my God, have you done evil to Your people?!"

- **Do you agree that the Holocaust proves the inadequacy of *any* human-based morality?**
- **How does the Lubavitcher Rebbe seek to prove it?**

(ii) Elie Wiesel

[At the hanging of a child]. But the third rope was still moving; being so light, the child was still alive... For more than half an hour he stayed there, struggling between life and death, dying in slow agony under our eyes. And we had to look him full in the face. He was still alive when I passed in front of him. His tongue was still red, and his eyes were not yet glazed. Behind me, I heard the same man asking:

‘Where is God now?’

And I heard a voice within me answer him:

‘Where is He? Here he is – He is hanging here on this gallows...’

That night the soup tasted of corpses. (*Night*, 77.)

- **What is Wiesel’s conclusion here? Elsewhere, he writes: “If I told you that I believed in God, I would be lying; if I told you that I did not believe in God, I would be lying.”**

[On Yom Kippur, the Day of Atonement, a day of fasting]. I did not fast, mainly to please my father, who had forbidden me to do so. But further, there was no longer any reason why I should fast. I no longer accepted God’s silence. As I swallowed my bowl of soup, I saw in the gesture an act of rebellion and protest against Him. And I nibbled my crust of bread. In the depths of my heart, I felt a great void. (*Night*, 80-81.)

- **Does Wiesel find this act of rebellion satisfying? If not, why not?**

I – Berish, Jewish innkeeper at Shamgorod – accuse Him of hostility, cruelty and indifference. Either He dislikes His Chosen People or He doesn’t care about them – period! But then, why has He chosen us – why not someone else for a change? Either He knows what’s happening to us, or He doesn’t wish to know! In both cases He is... He is... guilty! Yes, guilty. (*The Trial of God*, 125)

- **This is from Wiesel’s literary account of a ‘trial of God’ said to have been conducted by Jews in Auschwitz (and later made into a film). Karen Armstrong, *A History of God*, writes: @There is a story that one day in Auschwitz, a group of Jews put God on trial. They charge him with cruelty and betrayal. Like Job they found no consolation in the usual answers to the problem of evil and suffering in the midst of this current obscenity. They could find no excuse for God, no extenuating circumstances, so they found him guilty and, presumably, worthy of death. The Rabbi pronounced the verdict. Then he looked up and said that the trial was over: it was time for the evening prayer.”**
- **What would a traditional Jewish response to this be?**

I lived as a Jew, and it is as a Jew that I shall die – and it is as a Jew that, with my last breath, I shall shout my protest to God! And because the end is near, I shall shout louder! Because the end is near, I’ll tell Him that He’s more guilty than ever. (*The Trial of God*, 156).

- **What, according to this, is the ‘theological’ position of the Jew on his death-bed?**

(iii) Emile Fackenheim

Auschwitz is a unique descent into hell. It is an unprecedented celebration of evil. It is evil for evil’s sake... Where else has human skin ever been made into lampshades, and human body fat into soap – not by isolated pervers, but under the direction of ordinary bureaucrats. There is not, and never will be, an adequate explanation... This is the rock [Auschwitz] on which throughout eternity all rational explanations will crash and break apart... No purpose, religious or non-religious, will ever be found in Auschwitz. (*The Jewish Return to History*, 20, 27-29).

- **Is Fackenheim’s point theological or philosophical? What is his target?**

[The momentous discovery was] that while religious thinkers were vainly struggling for a response to Auschwitz, Jews throughout the world – rich and poor, learned and ignorant, religious and non-religious – had in some degree been responding all along... with an unexpected will to live – with, under the circumstances, an incredible commitment to Jewish group survival ... Nothing less will do than to say that a commanding voice speaks from Auschwitz, and that there are Jews who hear it and Jews who stop their ears... Secular Jews hear it, even though perforce they leave it unidentified. (*The Jewish Return to History*, 30, 31, 32).

- **Is the response to the Holocaust theological or sociological? What does this tell us about Jewish identity?**

The Jew after Auschwitz is a witness to endurance... He bears witness that without endurance we shall all perish. He bears witness they we *can* endure because we must endure; and that we must endure because we are commanded to endure (*God's Presence in History*, 95). [Elsewhere:] "We are forbidden to hand Hitler posthumous victories"

- **Who commands such endurance, and why?**

(iv) Ignaz Maybaum

The Golgotha of modern mankind is Auschwitz. The cross, the Roman gallows, was replaced by the gas chamber. The gentiles, it seems, must first be terrified by the blood of the sacrificed scapegoat to have the mercy of God revealed to them and become converted, become baptized gentiles, become Christians (*The Face of God After Auschwitz*, 36)

- **On this account, to whom was the message of the Holocaust directed, and what was it?**

(v) Eliezer Berkovits

The faith affirmed was superhuman; the loss of faith – in the circumstances – human... The faith is holy; but so, also, is the disbelief and the religious rebellion of the concentration camps holy... faith crushed, shattered, pulverized; and faith murdered a million-fold is *holy* disbelief. Those who were not there and, yet, readily accept the Holocaust as the will of God that must not be questioned, desecrate the holy disbelief of those whose faith was murdered. And those who were not there, and yet join with self-assurance the rank of the disbelievers, desecrate the holy faith of the believers. (*Faith After the Holocaust* (1973), 4-5.

- **If “faith crushed, shattered, pulverized; and faith murdered a million-fold is *holy* disbelief”, is this an (unconventional) form of martyrdom? Compare the Lubavitcher Rebbe in (i) above.**

That the Jewish people has withstood all the barbarous attacks upon it, that it has been able to maintain itself in the midst of deadly enemies, bespeaks the presence of another kind of power, invisibly playing its part in the history of men. The survival of the Jew, his capacity for revival after catastrophes such as had eliminated mighty nations and empires, indicate the mysterious intrusion of a spiritual dimension into the history of man. The more radical the rebellion against the world of the spirit, the greater the hatred against the Jew. The Final Solution was not only to eliminate the Jewish people from history, but through the destruction of Israel it was meant to finalize the defeat of that mysterious spiritual force against which the rebellion was directed. The Nazis were quite correct in believing that if they did not succeed in the elimination of the “Jewish influence” upon world history, they would also fail in their plans for world conquest. No matter what they said in their official propaganda, they sensed the mysterious nature of that influence, the presence of a hiding God in history. (*With God in Hell* (1979), 83)

- **What does this imply about the theological status of a ‘hiding God’?.**

Yet all this does not exonerate God for all the suffering of the innocent in history... there must be a dimension beyond history in which all suffering finds its redemption through God. This is essential to the faith of a Jew. (*Faith After the Holocaust* , 136.

- **What is this dimension beyond history?**
- **Does this imply that suffering is *necessary* for redemption?**

(vi) Richard Rubenstein

I believe the greatest single challenge to modern Judaism arises out of the question of God and the death camps. I am amazed at the silence of contemporary Jewish theologians on this most crucial and agonizing of all Jewish issues. How can Jews believe in an omnipotent, beneficent God after Auschwitz? Traditional Jewish theology maintains that God is the ultimate, omnipotent actor in the historical drama. It has interpreted every major catastrophe in Jewish history as God's punishment of a sinful Israel. I fail to see how this position can be maintained without regarding Hitler and the SS as instruments of God's will. The agony of European Jewry cannot be likened to the testing of Job. To see any purpose in the death camps, the traditional believer is forced to regard the most demonic, anti-human explosion of all history as a meaningful expression of God's purposes... The problem of God and the death camps is the central problem for Jewish theology in the twentieth century... [This problem is] the one pre-eminent measure of the adequacy of all contemporary Jewish theologies. (*After Auschwitz* (1966), 223).

- **Can Hitler be both an “instrument of God's will” and “demonic”? What alternative reconstruction might there be, using these concepts? See also the second extract from Roy Eckardt below**

I believe there is a conception of God... which remains meaningful after the death of God-who-acts-in-history. It is a very old conception of God with deep roots in both Western and Oriental mysticism. According to this conception, God is spoken of as the *Holy Nothingness*. When God is so designated, he is conceived of as the ground and source of all existence. To speak of God as the *Holy Nothingness* is not to suggest that he is a void. On the contrary, he is an indivisible *plenum* so rich that all existence derives from his very essence... Why then the term *Nothingness*?.. The infinite God, the ground of all finite beings, cannot be defined... The infinite God is nothing... It is also helpful to note that whoever believes God is the source or ground of being usually believes that human personality is coterminous with the life of the human body. Death may be entrance to eternal life... but it involves the dissolution and disappearance of individual identity... Perhaps the best available metaphor for the conception of God as the Holy Nothingness is that God is the ocean and we are the waves. In some sense each wave has its moment in which it is distinguishable as a somewhat separate identity. Nevertheless, no wave is entirely distinct from the ocean which is its substantial ground (*Morality and Eros* (1970), 185-186).

- **What do you make of this?**

(vii) Irving Greenberg

Let us offer, then, as a working principle the following: no statement, theological or otherwise, should be made that would not be credible in the presence of burning children. ('Cloud of Smoke, Pillar of Fire', 23, referring to the following quotation from S. Szmaglewska in *Trial of the Major War Criminals before the Military Tribunal* (Nuremberg 1947-49), cited in I. Greenberg, 'Cloud of Smoke, Pillar of Fire', 3-4:

WITNESS: ...women carrying children were [always] sent with them to the crematorium. The children were then torn from the parents outside the crematorium and sent to the gas chambers separately. When the extermination of the Jews in the gas chambers was at its height, orders were issued that children were to be thrown straight into the crematorium furnaces, or into a pit near the crematorium, without being gassed first.

RUSSIAN PROSECUTOR: How am I to understand this? Did they throw them into the fire alive, or did they kill them first?

WITNESS: They threw them in alive. Their screams could be heard at the camp. It is difficult to say how many children were destroyed in this way.

RUSSIAN PROSECUTOR: Why did they do this?

WITNESS: It's very difficult to say. We don't know whether they then wanted to economise on gas, or because there was not enough room in the gas chambers.

The reaffirmation of meaningfulness, worth, life – through acts of love and self-giving. The act of creating life or enhancing its dignity is the counter testimony to Auschwitz... The indivisibility of human dignity and equality becomes an essential bulwark against repetition of another Holocaust. It is the command rising out of Auschwitz. ('Cloud of Smoke, Pillar of Fire', 41, 44.

- **What kind of criteria does Greenberg require for a holocaust theology?**

The early chapters of *Lamentations* are full of the 'obvious' biblical solution; punishment for sins. Chapter 3 sounds a different note: 'I am the man who has seen suffering.' 'God ate up my flesh and my skin.' 'He [God] is a bear who stalks, and attacks me like a lion...' The agony is inflicted by God, but there is no note of sinfulness. There is only anger and pain. 'And I said: my eternity and my hope from God has been lost.' The climax is not guilt, but control, and anger, and a feeling of being cut off from God... 'This I call to mind, therefore I have hope: the Lord's mercies, for they are not consumed.'... [The Holocaust has also] purge[d] us of the emotional dependency of traditional religion and its false crutch of certainty and security ('Cloud of Smoke, Pillar of Fire', 39, 40).

- **What is the relationship between punishment for sin, and the agony/hope of the guiltless?**

(viii) Melissa Raphael

'Face' is, after all, a biblical metonym for divine presence. Israel yearns for God's face whilst its foes taunt her with God's absence (Ps. 42); she constantly seeks God's face. (Ps. 105:4) and experiences the lifting up of the divine face to shine upon her as the blessing of divine presence which grants friendship and peace (Num. 6:25-6). In Auschwitz-Birkenau when a woman lifted her cast down face to the summons of her mother, daughter, sister, or friend it caught the reflected light of the Shekhinah on its upturned surface, reflecting the glory or *kavod* of God's face back into the world – even a world which was, for them, over, and a world which, become Auschwitz, had turned God away at the gates. The relational moment offered no more than a dedication to peace. Yet even the dimmest illumination of one suffering face by the facing, seeing, other produced the intimation of God's radiance (*kavod*) among them. Rabbinic midrash compares the Shekhinah or divine presence to light, to what shines.

'Washed' by ersatz coffee, urine, brackish water or love alone, the reflective face lit God's way into, through and out of, Auschwitz. (*The Female Face of God in Auschwitz* (2003), 105-106)

- **In what sense was God present in Auschwitz?**
- **What is 'feminist' in this theology?**

(e) Christian approaches to Holocaust Theology

(i) Vatican II (1964)

True, the Jewish authorities and those who followed their lead pressed for the death of Christ (Cf. John 19, 6); still, what happened in His passion cannot be charged against all the Jews, without distinction, then alive, nor against the Jews of today.

- **What does this imply about the deicide charge, historically?**

Although the Church is the new People of God, the Jews should not be presented as rejected or accursed by God, as if this followed from the Holy Scriptures. All should see to it, then, that in catechetical work or in the preaching of the Word of God they do not teach anything that does not conform to the truth of the Gospel and the spirit of Christ. Furthermore, in her rejection of every persecution against any man, the Church, mindful of the patrimony she shares with the Jews and moved not by political reasons but by the Gospel's spiritual love, decries hatred, persecutions, displays of anti-Semitism, directed against Jews at any time and by anyone.

- **Might one have expected a more direct reference to the Holocaust?**

Besides, as the Church has always held and holds now, Christ underwent His passion and death freely, because of the sins of men and out of infinite love, in order that all may reach salvation. It is, therefore, the burden of the Church's preaching to proclaim the cross of Christ as the sign of God's all-embracing love and as the fountain from which every grace flows.

- **What does this imply about the deicide charge, theologically?**

(ii) Pope Benedict XVI, speaking on his visit to Auschwitz:

In a place like this, words fail; in the end, there can only be a dread silence - a silence which is itself a heartfelt cry to God: Why, Lord, did you remain silent? How could you tolerate all this?

- **What does this have in common with Jewish approaches?**

In silence, then, we bow our heads before the endless line of those who suffered and were put to death here; yet our silence becomes in turn a plea for forgiveness and reconciliation, a plea to the living God never to let this happen again

- **What forgiveness and reconciliation with whom?**

The rulers of the Third Reich wanted to crush the entire Jewish people, to cancel it from the register of the peoples of the earth. Thus the words of the Psalm: "We are being killed, accounted as sheep for the slaughter" were fulfilled in a terrifying way.

- **What then is the status of Hitler in the divine plan?**

Deep down, those vicious criminals, by wiping out this people, wanted to kill the God who called Abraham, who spoke on Sinai and laid down principles to serve as a guide for mankind, principles that are eternally valid.

- **Is this compatible with fulfilment of prophecy?**
- **Is this a theology of the (attempted) murder of God rather than the death of God?**

If this people, by its very existence, was a witness to the God who spoke to humanity and took us to himself, then that God finally had to die and power had to belong to man alone - to those men, who thought that by force they had made themselves masters of the world. By destroying Israel, by the Shoah, they ultimately wanted to tear up the taproot of the Christian faith and to replace it with a faith of their own invention: faith in the rule of man, the rule of the powerful.

- **How does Pope Benedict here view the status of the Jewish people (in Nazi eyes? In Christian eyes)?**
- **In what sense does Pope Benedict view the Nazi programme as an attack on Christianity?**
- **Does he use a particularly Christian thought pattern to advance this argument?**

(iii) Rosemary Radford-Ruether:

Anti-Judaism developed theologically in Christianity as the left-hand of Christology. That is to say, anti-Judaism was the negative side of the Christian claim that Jesus was the Christ. ('Anti-Semitism and Christian Theology' in Eva Fleischner, ed, *Auschwitz: Beginning of a New Era* (1974), 79).

- **Note that there is no mention of deicide here. What precisely in Radford-Ruether is the**

theological basis of Christian anti-Judaism?

The self infinitising of the messianic sect that empowers itself to conquer all mankind in the name of the universal [is essentially] a false messianism. What Christianity has in Jesus is *not* the Messiah but a Jew who hoped for the coming of the kingdom of God, and who died in that hope. ('Christian-Jewish Dialogue: New Interpretations' in *ADL Bulletin* 30, no 5 (1973), 4).

- **What aspect of Christian practice is being attacked here?**
- **What does this imply about the nature of the kingdom of God?**

To bring this tragic history to an end will demand something like a massive repentant acceptance of responsibility by the Christian church, and a dramatic shift in the spirituality which it teaches... A repentant Christianity is a Christianity which has turned from the theology of messianic triumphalism to the theology of hope. This is possible only if we recognize that Messianic hope is not primarily behind us, as a *fait accompli*, but is ahead of us, as a horizon of redemption that eludes us both, Christian and Jew. (Rosemary Radford-Ruether, 'Anti-Semitism and Christian Theology' in Eva Fleischner, ed, *Auschwitz: Beginning of a New Era* (1975), 92.

- **What is the nature of this hope for Radford-Ruether? See also the next quotation**

No-one's anti-Semitism is justified because some Jews, too, may be oppressors. The proper response to any revelation is compassion for the victims but also sorrow for the victimizers, for theirs is the moral tragedy. The point of authentic criticism of evil is not to justify more hatred and violence but to end the cycle of hatred and violence. This is what Jewish and Christian Holocaust theologians have failed to do, precisely by accepting the Zionist view that the response to the Holocaust means uncritical support for the State of Israel...(Rosemary Radford-Ruether & Herman Ruether, *The Wrath of Jonah* 2nd edition (2002), 214-215.

(iv) Franklin Littell:

The cornerstone of Christian anti-Semitism is the superseding or displacement myth, which already rings with the genocidal note... to teach that a People's mission in God's providence is finished, that they have been relegated to the limbo of history, has murderous implications which murders will in time spell out... (*The Crucifixion of the Jews* (1975), 2.

- **What superseded what in traditional Christian theology?**

The Holocaust is an alpine event. It remains the major event in recent Church history – signaling as it does the rebellion of the baptised against the Lord of History... Christianity has itself been 'put to the question' by the apostasy of millions of Christians, by silence, by concern for real estate and institutional privileges, by failing to confess and profess...('The Meaning of the Holocaust: A Christian Point of View' (1971, unpublished).

- **What is Littell referring to here?**

Christianity is bleeding to death intellectually, and we shall not return to the path of the health until we have worked out our way through the difficult thickets of meaning of the Holocaust and the Church struggle... Perhaps the question put to us by the Holocaust and [the state of] Israel is whether we [Christians] are still able to grasp the meaning of crucifixion and resurrection. ('The Meaning of the Holocaust: A Christian Point of View' (1971, unpublished).

- **What is suggested here about the meaning of crucifixion and resurrection, in the light of the events of 1939-48?**

(v) Roy Eckardt:

The Church that collaborated in the Nazi 'final solution' dealt itself moral blows. From that Jewish crucifixion and Christian self-crucifixion there could and did come a Jewish resurrection – the State of Israel – but not a Christian resurrection. ('The Nemesis of Christian Anti-Semitism' in J. Wood, ed, *Jewish-Christian Relations in Today's World* (1971), 59-60.

- **In what sense does Eckardt think that Church collaborated in the Nazi 'final solution'?**

[The] ultimate responsibility for evil in the world is God's, for the simple reason that it is he who created the world and it is he who permits monstrous suffering to take place... The new charge against God is no less than that of Satanism...[if] in the Holocaust are 'the flames of God's ever burning love for his chosen people', then the Lord of life and love becomes the Lord of death and hate. He has transmuted into the Devil. ('Towards an Authentic Jewish-Christian Relationship' in J. Wood, ed., *Jewish-Christian Relations in Today's World* (1971), 94.

- **Compare this with the first text of Richard Rubenstein and the question on it, above.**
- **If you agree with this argument, what are the consequences for morality?**

Our simple persuasion is that it is extremely difficult to speak meaningfully of the hatred of Jews without speaking of a demonic force or a concatenation of such forces... The devil is a totally unique power that concentrates upon totally unique evil... Is there an evil in this world that is uniquely evil? Yes, we have already spoken of it. That evil is antisemitism. The devil and antisemitism are correlate symbols: antisemitism is born of the devil and the devil receives his sustenance from antisemitism... [T]here is nothing like antisemitism. Accordingly, it is appropriate to speak of the devil... He is the god of antisemitism... Thus while the Fourth Gospel was written down by a man who may have carried the name John, the hidden source of John 8:42-47 may be understood as the devil himself... We suggest that so mysterious a phenomenon as antisemitism may well require consideration of a demonic force or forces if it is ever going to be reasonably comprehended (*Long Night's Journey into Day* (1982), 51-55).

- **Do you agree with Eckardt's assessment of John 8:42-47, which reads:** ⁴²Jesus said to them, "If God were your Father, you would love me, for I came from God and now am here. I have not come on my own; but he sent me. ⁴³Why is my language not clear to you? Because you are unable to hear what I say. ⁴⁴You belong to your father, the devil, and you want to carry out your father's desire. He was a murderer from the beginning, not holding to the truth, for there is no truth in him. When he lies, he speaks his native language, for he is a liar and the father of lies. ⁴⁵Yet because I tell the truth, you do not believe me! ⁴⁶Can any of you prove me guilty of sin? If I am telling the truth, why don't you believe me? ⁴⁷He who belongs to God hears what God says. The reason you do not hear is that you do not belong to God."

The New Testament documents are not objective history; they are polemical, evangelical tracts... [T]he records cannot be finally received as bearers of objective truth.. On the other hand... the Christian world is wedded to these documents. Scholarly analysis is severely restricted in its function of redeeming the human bias that is derived from, and perpetrated by, them... It is ridiculous to maintain that the New Testament is an inherently antisemitic document. But to shut our eyes to the antisemitic elements in the New Testament is equally foolish and irresponsible. (A. Roy Eckardt, *Long Night's Journey into Day* (1982), 117.

- **What is Eckardt saying about the way the Bible should be read?**
- **Who decides how the Bible should be read?**

The authentication (if authentication is possible) that the resurrection cannot in fact embody eschatological fulfilment, even a fragmentary realisation, lies in the event's contribution to the deaths of millions of human beings, including great numbers of small children. (*Jews and Christians* (1990), 165).

- **Eckardt is referring to the doctrine of 'realised eschatology'? What does it mean, and how is it challenged, in Eckardt's view, by the Holocaust?**

(vi) Paul van Buren:

[God's gift of free will requires him] to sit still and suffer in agony as his children move so slowly to exercise in a personal and loving way the freedom he has willed them to exercise... [Perhaps God's objectives included] trying to awaken his creatures to their irresponsibility. Perhaps he was trying, by simple suffering with his people, to awaken his Church to a new understanding of love and respect for them... [But], the cost seems out of proportion to the possible gain, so silence may be the wiser choice... [God cannot intervene to stop the Holocaust] without ceasing to be God of love and freedom who has... conferred responsibility and free creative power on his creatures. (*Discerning the Way* (1980), 116-7, 119).

- **How would you describe the type of explanation that van Buren here considers but rejects?**

3. Readings for postgraduate students [Reply to no.1 in the Moodle Forum for this week; nos.2-3 for discussion in the postgraduate session, 6.00-7.00 p.m. next week]

Unterman, *The Jews*, pp.79-83

Solomon, *Judaism*, pp.115-123

Greenberg on the "voluntary covenant": see <http://www.clal.org/e102.html>
http://en.wikipedia.org/wiki/Dieter_Wisliceny

Further Reading

Alexander, *Textual Sources*, pp.52-53, 178-80

Cohn-Sherbok, *Holocaust theology: a reader* (2002)

Cohn-Sherbok, *The Jewish Heritage*, ch.14

http://en.wikipedia.org/wiki/Holocaust_theology

http://www.chabad.org/library/article_cdo/aid/64888/jewish/The-Rebbe-on-the-Holocaust.htm

<http://globalizati.wordpress.com/2006/12/23/auschwitz-god-on-trial/>

Fackenheim, E., *To mend the world: foundations of post-holocaust Jewish thought To Mend the World* (1982)

Littell, F., *The Crucifixion of the Jews* (1975)

Moltmann, J. "The Crucified God",

<http://theologytoday.ptsem.edu/apr1974/v31-1-article1.htm>

Raphael, M., *The Female Face of God in Auschwitz* (2003)

1. Does the argument about the 'uniqueness' of the Holocaust have theological (as opposed to political) implications for (i) Judaism and (ii) Christianity?
2. What (if anything) is characteristic of Orthodox Jewish approaches to holocaust theology, as opposed to non-Orthodox Jewish approaches and Christian approaches?
3. What is distinctive in Irving Greenberg's Holocaust Theology? Contrast this with the approach of Rabbi Ephraim Oshry, described by Solomon (pp.115-116).

Dec. 10th: Theological issues underlying internal Jewish controversies in the modern State of Israel

Theological issues underlying internal Jewish controversies in the modern State of Israel, including the nature of the state, the religious status of its institutions and particular issues relating to conversion and family law

1. Themes:

1. The Zionism of the prayerbook and of traditional Jewish messianism (non-political and non-activist in character?). Consider the following prayers from the Amidah:
 - Sound the great shofar for our freedom; raise a banner to gather our exiles, and bring us together from the four corners of the earth into our land. Blessed are You L-rd, who gathers the dispersed of His people Israel
 - Return in mercy to Jerusalem Your city and dwell therein as You have promised; speedily establish therein the throne of David Your servant, and rebuild it, soon in our days, as an everlasting edifice. Blessed are You L-rd, who rebuilds Jerusalem.
 - Speedily cause the scion of David Your servant to flourish, and increase his power by Your salvation, for we hope for Your salvation all day. Blessed are You L-rd, who causes the power of salvation to flourish.
2. Modern political roots of Zionism:
 - a. Disillusionment with emancipation (the move towards denationalization of Judaism): the failure of society to accept Jews on equal terms
 - b. Herzl and the Dreyfus affair:
 - c. 'Secular' Zionism: relationship to European nationalism and German Romanticism (comparison with 1st and 2nd Commonwealths?). Why not Uganda (proposed at Sixth Zionist Congress in 1903)?
3. The Balfour Declaration (1917): "His Majesty's government view with favour the establishment in Palestine of **a national home for the Jewish people**, and will use their best endeavors to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country".
 - Were the motives political (Suez canal, oil) or theological (millennarian)
4. The 'Cultural Zionism' of Ahad Ha'am (1856-1926: [see](#) quotations from Justices Cohn and Silberg in Rufeisen case, in Texts, s.(i) below.
5. Jewish Religious Zionism: Rav A.I. Kook (1865-1935, the first Ashkenazi chief rabbi of the British Mandatory Palestine): "Rav Kook saw Zionism as a part of a divine scheme which would result in the resettlement of the Jewish people in its homeland. This would bring salvation ("Geula") to Jews, and then to the entire world. After world harmony is achieved by the refoundation of the Jewish homeland, the Messiah will come. Although this has not yet happened, Rav Kook emphasized that it would take time and that the ultimate redemption happens in stages, often not apparent while happening" (Wikipedia article on Religious Zionism)
 - Compare the Christian religious motivation
 - Contrast the view of the Neturei Karta (extract from Encyclopedia Judaica Year Book 1974, in Texts (i) below)
6. The Status of Religious communities in Palestine from the Ottoman Empire (the 'millet' system), through the British Mandate, into the State of Israel (and elsewhere in the Arab world): matters of 'personal status' within the jurisdiction of the courts of (recognized) religious communities
7. 1947 UN General Assembly Resolution to partition Palestine; 15 May 1948 Britain declared the end of the Mandate.
8. Religious and secular values in the Declaration of Independence (14 May 1948):
 - see Texts s.(ii) below
 - Do you agree with the critique of Rosemary Radford-Ruether & Herman Ruether in Texts s.(i) below?
9. The theological significance of the State of Israel to non-millennarian Christians: see Franklin H. Littell in Texts s.(i) below

10. The notion of a 'Jewish State'
 - What does the concept mean?
 - For a review of the situation in practice, see Jonathan Kaplan's Lecture in Texts s.(iii) below
11. The relationship to the State of modern Orthodox ('Religious Zionist') and Haredi communities
12. Religious Observance and State law: a 'Jewish State': Demographics (Jewish and Arab; Religious and Secular)
13. Criteria of Jewish identity: racial (*kohanim*?), ethnic, religious, historical, national, social, cultural, mixed?
 - Do people have just one identity, or even a primary identity?: Case Study: "Brother Daniel" (see Texts below, and on-line lecture video in Readings, below)
14. The 'Who is a Jew' controversy, as reflected in
 - Issues arising under the Law of Return 1950 (as amended in 1970), see Texts s.(v) below: the "Brother Daniel" case: see extracts from Jackson article in Texts s.(v) below
 - Problems of conversion (in and out): see Texts s.(v) below

2. Texts for discussion

(i) Different approaches to/views of Zionism

Encyclopedia Judaica Year Book 1974: As yet, no consensus has crystallized within the Jewish religious community as to the theological significance of the establishment of the State. Opinions range between two opposite poles. At the one extreme, the establishment of the sovereign State of Israel is hailed as the actual beginning of the Messianic Redemption as foretold by the biblical Prophets or, at the very least, the prelude to an era which is destined to culminate in the complete unfolding of the prophetic vision of Redemption. At the other extreme, the State is denounced by the *Neturei Karta* as a religious scandal and spiritual calamity, since, allegedly, the Jewish people violated a basic religious imperative; instead of relying upon the supernatural intervention of the Messiah, they took matters into their own hands and established the State of Israel. In the writings of Rabbi Joel Teitelbaum (the "Satmarer Rebbe"), the establishment of the State is portrayed as a diabolical, demonic event, designed to lure the Jewish people from their faith in God.

- **Relate this to Rabbi Teitelbaum's understanding of the Holocaust (Week 7)**
- **How do the *Neturei Karta* relate to middle eastern politics?**
- **Do all Haredi (ultra-Orthodox) Jews share this approach?**
- **What is the approach of Haredi Jews to the State and its institutions (e.g. the Chief Rabbinate and the state religious courts)?**
- **How do religious Zionists respond to the position of the *Neturei Karta* (see particularly the article of Bazak in the Further Readings).**

Judge Cohn in Rufeisen case (see further below): "The Jewish spirit, **Achad Haam** taught, could be found in four major components: the moral vision of the Prophets of Israel [in contradistinction to the Halachic tradition]; the revival of the Hebrew language [and rejection of Yiddish]; the study of Jewish history; and the development of Jewish literature.

- **Is the "Jewish spirit" purely religious?: Consider also the following quotations from Achad Haam:**
 - (i) Jewish nationalism without any trace of those elements which for thousands of years had been the very life breath of the nation and had given it its special place in the cultural evolution of mankind — such a grotesque creature can be imagined only by one who is very far removed from the spirit of our people.
- **Insofar as it is religious, what choice does Achad Haam make?**
- **Is there a necessary conflict between the prophetic and halakhic traditions (and what views do Christians take on this?)**
- **Achad Haam appears to have an ambivalent attitude towards religious belief as defining Jewish identity in the context of Zionism. Does he contradict himself in the following two quotations?**
 - (ii) ... A nationalist Jew, even if he is a total agnostic, cannot say: 'I have no portion in the God of Israel', that historical Power of our people which for millennia was the cause of its survival, and influenced its spiritual qualities and way of life. Anyone who truly has no portion in the God of Israel and does not in his innermost self feel any spiritual

affinity to that 'Exalted Being' for whom during the centuries our ancestors gave their hearts and souls and from whom they drew their mortal strength — such person may be an excellent man but a national Jew he cannot be even were he to live in the land of Israel and speak the Holy Tongue.

- (iii) What would you call a Jew who is devoted to his people, its literature and all its spiritual treasures; who longs for its renaissance in the ancestral home and yearns for its liberty, but who at the same time is a free thinker in the widest and most general meaning of the word; who sees beauty and order in nature everywhere and at all times but refuses recognition to Him who is the author and regulator of it all and certainly to Him who gave the Law unto His people with all the consequences thereof — is such a man one of us or not? Can we exclude such a man from the generality of the Jewish people and say to him, 'Leave our camp?' ... this Jew is 'one of us', that is to say, a loyal son of his people and of its spiritual heritage, not only like the multitude who have faith but in some sense more than they.

Judge Silberg in Rufeisen case: ... But there is one thing that is shared by *all* Jews who live in Israel (save a mere handful) and that is that we do not cut ourselves off from our historic past nor deny our ancestral heritage. We continue to drink from the original fountains. The shape has changed, the channels have been altered, but we have not sealed the wells for without them we would be but "as the poor that are cast out". Only the simple believe or think that we are creating here a *new* culture; for this it is much too late. A people which is almost as old as the human race cannot start *ab ovo*, and our new culture in this land — at the highest — is merely a *new* version of the culture of the past.

- **For Judge Silberg, the "historic past" and "ancestral heritage" includes the rabbinic tradition as developed over two millennia in the Diaspora. How does he see Jewish culture as affected by the establishment of the State of Israel, and how does Judge Cohn differ in the following quotations?**

- (iv) ... For my part I would add that a fundamental Law such as the Law of Return which translated into reality the credo of the State must be construed, as it ought to be construed, so as not to conflict with the background and conception of the establishment of the State of Israel but to promote the fulfillment of its prophetic vision and its aims.
- (v) If I have correctly understood my learned colleague, Silberg J., he is of the opinion that the historic continuity of the Jewish people from those terrible times till the present day can never permit us to regard anyone as a Jew who has entered into the covenant of the Catholic Church and joined one of its orders. Although the Church has both in theory and in practice ceased to be our mortal enemy, it can no more deny its past than we can deny ours, and a Jewish Catholic will forever remain a contradiction in terms.
- (vi) I myself do not postulate an "historical continuity" such as this. If history is continuous and uninterrupted from the start, this does not mean that it does not change, progress and evolve. On the contrary, changes of times and ideas, evolution of concepts and cultural values, and continuous improvement of ways of life and of law — all these are in the very nature of the process of history. To me historical continuity means continuing to *build* on the foundations of the past, adding brick to brick, renewing and developing — and not remaining stagnant.
- (vii) Never has there been such a revolutionary event in history of the Jewish people, scattered and dispersed amongst the nations, as the establishment of the State of Israel. In the Diaspora we were a minority, tolerated or persecuted, but in our own State we are an independent nation like all other nations. In place of our former status as a minority, whether religious, ethnic, national or racial, we have created for ourselves in our own State "the status of a fully-privileged member of the comity of nations" (as it is expressed in the Declaration of the Establishment of the State of Israel). This revolution is not merely of a political character; it renders imperative a revision of the values which we have imbibed in our long exile. ..

Rosemary Radford-Ruether & Herman Ruether, *The Wrath of Jonah* 2nd edition (2002), 226, 227: Prior to World War II, Zionism was a minority movement among world Jewry. Reform and secular Jews rejected it because they were committed to citizenship in secular, democratic states. Orthodox Jews rejected Zionism as a heresy that sought to do by unholy hands a task that could only be accomplished by the Messiah. But the Second World War and the shock of the Holocaust made it possible for Zionists to capture control of Jewish organisations in the Diaspora and cement the official loyalty of world Jewry to the Jewish State... Israel has failed to be the center of moral and religious renewal that socialist and spiritual Zionists promised. It has not constructed an appealing

expression of religious life, but it is locked into a style of Orthodoxy rejected by most Diaspora Jews. It has become less a “light to the nations” of extemporary social justice and equality than an expression of militarism and inter-communal discrimination and hatred.

- **Is it true that *all* “Orthodox Jews rejected Zionism as a “heresy”?**
- **Is the modern State of Israel here being judged by messianic standards?**

Franklin H. Littell, *The Crucifixion of the Jews* (1975), 96: The restitution of Israel is the event which challenges Christians to take events, history, and the world seriously again. The sterility of a ‘spirituality’ in which nothing important happens between the Ascension and the Second Coming has been exposed to sight.

- **Does this imply a Christian Zionism inspired by the belief that the establishment of the State of Israel is a necessary condition of the Second Coming (and if so what other condition has to be fulfilled)?**

(ii) The Declaration of the State of Israel (1948)

1. ERETZ-ISRAEL [(Hebrew) — the Land of Israel, Palestine] was the birthplace of the Jewish people. Here their spiritual, religious and political identity was shaped. Here they first attained to statehood, created cultural values of national and universal significance and gave to the world the eternal Book of Books.
2. After being forcibly exiled from their land, the people kept faith with it throughout their Dispersion and never ceased to pray and hope for their return to it and for the restoration in it of their political freedom.
3. Impelled by this historic and traditional attachment, Jews strove in every successive generation to re-establish themselves in their ancient homeland. In recent decades they returned in their masses. Pioneers, ma'pilim [(Hebrew) — immigrants coming to Eretz-Israel in defiance of restrictive legislation] and defenders, they made deserts bloom, revived the Hebrew language, built villages and towns, and created a thriving community controlling its own economy and culture, loving peace but knowing how to defend itself, bringing the blessings of progress to all the country's inhabitants, and aspiring towards independent nationhood.
4. In the year 5657 (1897), at the summons of the spiritual father of the Jewish State, Theodore Herzl, the First Zionist Congress convened and proclaimed the right of the Jewish people to national rebirth in its own country.
5. This right was recognized in the Balfour Declaration of the 2nd November, 1917, and re-affirmed in the Mandate of the League of Nations which, in particular, gave international sanction to the historic connection between the Jewish people and Eretz-Israel and to the right of the Jewish people to rebuild its National Home.
6. The catastrophe which recently befell the Jewish people — the massacre of millions of Jews in Europe — was another clear demonstration of the urgency of solving the problem of its homelessness by re-establishing in Eretz-Israel the Jewish State, which would open the gates of the homeland wide to every Jew and confer upon the Jewish people the status of a fully privileged member of the comity of nations.
7. Survivors of the Nazi holocaust in Europe, as well as Jews from other parts of the world, continued to migrate to Eretz-Israel, undaunted by difficulties, restrictions and dangers, and never ceased to assert their right to a life of dignity, freedom and honest toil in their national homeland.
8. In the Second World War, the Jewish community of this country contributed its full share to the struggle of the freedom- and peace-loving nations against the forces of Nazi wickedness and, by the blood of its soldiers and its war effort, gained the right to be reckoned among the peoples who founded the United Nations.
9. On the 29th November, 1947, the United Nations General Assembly passed a resolution calling for the establishment of a Jewish State in Eretz-Israel; the General Assembly required the inhabitants of Eretz-Israel to take such steps as were necessary on their part for the implementation of that resolution. This recognition by the United Nations of the right of the Jewish people to establish their State is irrevocable.
10. This right is the natural right of the Jewish people to be masters of their own fate, like all other nations, in their own sovereign State.
11. ACCORDINGLY WE, MEMBERS OF THE PEOPLE'S COUNCIL, REPRESENTATIVES OF THE JEWISH COMMUNITY OF ERETZ-ISRAEL AND OF THE ZIONIST MOVEMENT, ARE HERE ASSEMBLED ON THE DAY OF THE TERMINATION OF THE BRITISH MANDATE OVER ERETZ-ISRAEL AND, BY VIRTUE OF OUR NATURAL AND HISTORIC RIGHT AND ON THE STRENGTH OF THE RESOLUTION OF THE UNITED NATIONS GENERAL ASSEMBLY, HEREBY DECLARE THE ESTABLISHMENT OF A JEWISH STATE IN ERETZ-ISRAEL, TO BE KNOWN AS THE STATE

OF ISRAEL.

12. WE DECLARE that, with effect from the moment of the termination of the Mandate being tonight, the eve of Sabbath, the 6th Iyar, 5708 (15th May, 1948), until the establishment of the elected, regular authorities of the State in accordance with the Constitution which shall be adopted by the Elected Constituent Assembly not later than the 1st October 1948, the People's Council shall act as a Provisional Council of State, and its executive organ, the People's Administration, shall be the Provisional Government of the Jewish State, to be called "Israel".
13. THE STATE OF ISRAEL will be open for Jewish immigration and for the Ingathering of the Exiles; it will foster the development of the country for the benefit of all its inhabitants; it will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations.
14. THE STATE OF ISRAEL is prepared to cooperate with the agencies and representatives of the United Nations in implementing the resolution of the General Assembly of the 29th November, 1947, and will take steps to bring about the economic union of the whole of Eretz-Israel.
15. WE APPEAL to the United Nations to assist the Jewish people in the building-up of its State and to receive the State of Israel into the comity of nations.
16. WE APPEAL — in the very midst of the onslaught launched against us now for months — to the Arab inhabitants of the State of Israel to preserve peace and participate in the upbuilding of the State on the basis of full and equal citizenship and due representation in all its provisional and permanent institutions.
17. WE EXTEND our hand to all neighbouring states and their peoples in an offer of peace and good neighbourliness, and appeal to them to establish bonds of cooperation and mutual help with the sovereign Jewish people settled in its own land. The State of Israel is prepared to do its share in a common effort for the advancement of the entire Middle East.
18. WE APPEAL to the Jewish people throughout the Diaspora to rally round the Jews of Eretz-Israel in the tasks of immigration and upbuilding and to stand by them in the great struggle for the realization of the age-old dream — the redemption of Israel.
19. PLACING OUR TRUST IN THE ALMIGHTY (*Tsur Yisra'el*), WE AFFIX OUR SIGNATURES TO THIS PROCLAMATION AT THIS SESSION OF THE PROVISIONAL COUNCIL OF STATE, ON THE SOIL OF THE HOMELAND, IN THE CITY OF TEL-AVIV, ON THIS SABBATH EVE, THE 5TH DAY OF IYAR, 5708 (14TH MAY, 1948).
 - **Identify the elements in this declaration which identify Israel as a liberal democracy**
 - **Identify the elements in this declaration which identify Israel as religious state**
 - **Identify the elements in this declaration which indicate compromise between the above**

(iii) A 'Jewish State': Law and Religion in Israel

Lecture by Jonathan Kaplan, "Religion and State"

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The issue of religion and state in Israel is one of the most burning social issues in the country today. ... What should be the supreme authority: the will of the people as expressed through laws passed by a democratically elected Knesset and interpreted by the judiciary, or the will of God as passed down through sacred writings and interpreted by orthodox rabbis and religious courts?

- **Are these mutually exclusive alternatives?**

As a Jewish state, should Israeli culture and society conform with "halacha" (Jewish law) whenever possible or should society be essentially secular but rely on Jewish tradition for its values, symbols and ceremonies, or should Israeli society be as similar as possible to other western countries? The answers to these questions are crucial in determining laws of marriage and divorce, the status of women, the definition of a Jew and hence the major criteria for joining Israeli society, the character and desirability of a constitution, regulations for the operation of businesses and services, the nature of the school system, and many other important aspects of Israeli society.

Evolution of Religious Autonomy: Under Turkish rule, religious communities or “millets” were given their own jurisdiction over religious affairs and matters of personal status such as marriage, divorce and inheritance. This system was continued under the British Mandate in Palestine after World War I. The British recognized a Chief Rabbinate, Rabbinical Council and Rabbinical Courts, all comprised of orthodox Jews, as the sole authorities on issues of Jewish law, and invested them with exclusive jurisdiction over Jews in matters of marriage and divorce, alimony and confirmation of wills. Thus, in these areas, Jewish law, which was given an orthodox interpretation, became binding on the Jews of Palestine with the exception of those who held foreign nationality and could contract civil marriages before consular officers. Marriages and divorces effected abroad were recognized as valid by the courts of Palestine. In other matters of personal status, rabbinical courts could assume jurisdiction only with the consent of all parties concerned. Similar jurisdiction was accorded to various Christian and Moslem courts.

Israel maintained essentially the same arrangement with a few alterations. The Druze were recognized in 1957 as a separate religious community and they soon gained authorization for their own religious courts. All Jews without exception were put under the jurisdiction of the Jewish religious authorities. At present, all major religious groups in the country are autonomous in matters of marriage and divorce, and in some cases also in matters of child support and inheritance. The Moslem community enjoys more extensive autonomy than the other communities in these areas.

- **On this, see section iv, below.**

Each community celebrates its own Sabbath and holidays which are legally recognized in Israel as business holidays for that particular community. It can therefore be stated that there is no one established religion in Israel, although there is certainly a strong sense of Jewishness within the country. On the other hand, there has definitely been an established interpretation of Judaism.

- **What does he mean by “an established interpretation of Judaism”.**

Israeli Political System: The Israeli political system is based on the principle of proportional representation. At election time, votes from the entire country are tallied up, and any party that succeeds in crossing a threshold set at 1.5% of the popular vote, will be represented in the Knesset in direct proportion to the percentage of votes received. This system facilitates the presence of a large number of small parties and makes it virtually impossible for any one party to muster the 61 seats (out of 120) required to pass legislation and to govern. The resulting need to form coalitions comprised of several parties gives disproportionate power to smaller parties that are in a position to make or break a potential coalition. Religious parties, which together usually receive some 15 seats in the Knesset, have been partners in almost every coalition, largely due to the fact that their primary concerns have not centered on crucial foreign or economic policy, but rather on the religious nature of the state. This made the religious parties convenient partners who sought “only” to safeguard religious interests and guarantee that the state would maintain a Jewish character. In return for their support, the religious parties were given control of ministries that play an important role in these areas (usually Religious Affairs, Interior and sometimes Education and Culture) as well as coalition backing for legislation of a religious nature. As a result, the Knesset has passed a number of laws designed to ensure Jewish observance of halacha.

- **Over the years, the character of the religious parties in the Knesset has changed, from Religious Zionist (*Mizrachi*) to more haredi groups, including *Shas***

Desire for a Jewish Society: It would be a mistake, however, to conclude that the role of religion in Israel is only a result of a political game with religious parties pressuring the ruling party for concessions. A basic goal for many secular Zionists was the creation of a new Jewish culture. The intention of these Zionists was not to create a society based on religious observance, but rather to develop a new culture based on the interaction with the Land of Israel, the Hebrew language, historical Jewish symbols and ceremonies as well as values and motifs taken from Jewish literature, including sacred literature.

- **Whose approach is he referring to here?**

Traditional Jewish elements would thus become part of the national culture. Due to the intimate connection between Jewish culture and Jewish religion, it is hard to imagine how any Jewish society could be empty of religious elements.

- **In what sense are these elements “religious”?**

Even today, it is doubtful whether most non-observant Israelis would prefer a society devoid of Jewish ritual or symbolism. This is especially the case among those who came from traditional religious backgrounds in Asia and North Africa. Many aspects of Israeli life - Saturday as a day of rest without public transportation in most areas of Jewish residence, Jewish wedding rituals, Yom Kippur observance and customs pertaining to burial and mourning - reflect the general population's acceptance of a certain degree of Jewish observance.

Religious Activism in the Jewish State: It should not be assumed that the religious parties wish only the opportunities and resources necessary to pursue an orthodox life-style. This may be the case in the diaspora, where orthodox Jewry cannot radically affect the surrounding society and has only a limited capability of bringing “wayward” Jews back to the fold. The social and political structures of the state offer a more realistic possibility for creating a religious society. Religious Zionism has also been influenced by messianic ideas associated with Rabbi Abraham Isaac Kook, who contended that the return to Israel was part of the unfolding messianic process. Thus, just as socialist Zionist pioneers saw the Jewish settlement in Palestine as an opportunity to realize their ideological goals, so have religious parties, Zionist and non-Zionist, felt compelled to implement their vision for the Jewish state. This accounts for the desire to pass laws that enforce compliance with religious tradition.

- **What is meant by an “*unfolding* messianic process”? How long might it take to unfold? Is Judaism here presented with a similar problem as Christianity?**

Basic Policy: The Executive of the Jewish Agency spelled out its policy on the issue of religion and state on June 19, 1947, in a letter to the ultra-orthodox Agudat Israel, which, it was hoped, would cooperate in supporting the case put before the United Nations for a Jewish state. Four issues were clarified. The official day of rest in the Jewish state would be on Saturday - the Sabbath for other religious groups would be celebrated on the appropriate days. State kitchens for Jews would be kosher. The Jewish Agency would do all in its power to ensure that matters of personal status would be regulated by Jewish law “to prevent the division of the people.” Finally, the autonomy of the different educational systems (including the religious one) was to be continued. This policy came to be known as the “status quo” in religious affairs.

- **What happens to a *status quo* when the balance of forces supporting it changes, but there is no consensus on a new *status quo*?**

Marriage and Divorce: The Rabbinical Courts Jurisdiction (Marriage and Divorce) Law of 1953 placed matters of marriage and divorce involving Jewish residents or nationals in Israel under the exclusive jurisdiction of rabbinical courts which act in accordance with Jewish law. In other words, Jews in Israel can only marry or divorce according to Jewish religious law as interpreted by orthodox rabbinical courts: civil marriage and divorce do not exist. The marriage ceremony must be according to Jewish law and religious intermarriage cannot take place. A cohen (member of the priestly class in Judaism) is prohibited from marrying a divorcee or a woman who has converted to Judaism.

- **For the legislation on this, see section iv below**

Divorce proceedings take place in a rabbinical court, but the court cannot dissolve a marriage. It can only supervise a procedure in which the husband delivers a “get” or bill of divorce to the wife who agrees to accept it. If one of the parties persistently refuses a divorce considered to be warranted by the court, the latter may order the unwilling spouse to carry out the procedure. However, if the order is not obeyed, the divorce does not take effect. In this instance, the situation for men is radically different than that for women. A husband whose wife refuses or is mentally unable to accept the “get”, can be simply allowed to remarry without the termination of his prior marriage, since a Jewish man may have more than one wife. The wife of a husband who refuses to deliver the “get” is in a more difficult situation: though the courts may employ severe measures such as imprisonment to compel the husband to comply with the order, until he does so, his wife is regarded as being married and cannot remarry. A woman who is deserted by her husband cannot remarry as long as he is presumed to be alive, unless of course she receives a divorce from him. One of the most painful situations has to do with “mamzerim,” the offspring of incestuous or adulterous unions (ie. extra-marital relations involving a married woman). A divorce which is not in accord with Jewish law is not recognized by the rabbinate as a divorce at all, and hence the woman in such a situation would be considered to be still married and any children she had from another man, including her second husband, would also be considered “mamzerim.” By the same token, women who are denied a divorce or who have been deserted by their husbands are deterred from having children from other men. Men have less concerns in this regard because a child resulting from relations between a married man and a single woman would not be a “mamzer” due to the fact that in Jewish law, a man can be polygamous. As “Mamzerim” are permitted to marry only other “mamzerim” or converts to Judaism, their chances of getting married in Israel are very slim.

- **This is the problem of the “chained wife” (*agunah*), which can occur also in Diaspora Jewish communities. Why do Orthodox Jews not accept that a marriage may be terminated by a civil divorce?**

Day of Rest: The Provisional Council of State (the predecessor of the Knesset) enacted the Days of Rest Ordinance, 1948, which defined the Sabbath, the High Holidays and the Pilgrimage Festivals (Sukkot, Pesach and Shavuot) as days of rest. Non-Jews were to have the right to observe their own Sabbaths and festivals as days of

rest. In 1951, the Knesset passed the Hours of Work and Rest Law which gave workers at least 36 consecutive hours of rest a week. For Jews, Saturday was to be the weekly day of rest and for non-Jews the respective Sabbath day was recognized. Special provisions were made for the supply of essential services on Shabbat.

- **In practice, this operates differently in communities with different religious balances, e.g. stoning of cars on the Sabbath in Jerusalem, permission of buses in Haifa**

Dietary Laws: The Provisional Council of State enacted the Kosher Food for Soldiers Ordinance in 1948 which ensured ritually acceptable food for all Jewish soldiers in the Israel Defense Forces. In 1962, the Knesset passed the Pig-Raising Prohibition Law which stated that “a person shall not raise, keep or slaughter pigs” although exception was made for Christian communities. A recent attempt to prohibit the sale of pork altogether was blocked in Knesset after the 1992 elections. A 1986 law, The Festival of Matzot Law (Prohibition of Leaven), prohibited the display of all leavened products (bread for example) for sale or consumption, in localities with a Jewish majority during the holiday of Passover although since then, the law has fallen into general disuse.

- **Does this amount to religious coercion?**

Who is a Jew?: The issue of “who is a Jew?” arises in cases of marriage, citizenship and registration with the Ministry of Interior. As marriage is under the authority of orthodox rabbinical authorities, the definition of a Jew for the purposes of marriage is strictly in accord with Jewish law: a Jew is someone born of a Jewish mother or someone who has converted to Judaism according to an orthodox interpretation of Jewish law. ...

- **Does this mean that one can be a Jew for some purposes in Israel, but not for others?**

From the beginning of 1960, the government's policy was to register as Jews (in both the religious and national-ethnic categories) only those born to a Jewish mother. This was challenged in 1968 by a Jewish naval officer (Major Shalit), who insisted on registering his two children from his non-Jewish wife as having no religion at all but as Jewish in terms of national-ethnic group (“leom”). In its ruling, the Supreme Court disallowed the 1960 policy as not having the sanction of law, and ordered the Registry Office to register the children as demanded by the plaintiff. This led the Knesset in 1970 to amend the Population Registry Law so as to link its definition of a Jew to that of the Law of Return. The latter was also amended and the section defining a Jew was made to read: “For the purposes of this law, “Jew” means a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion.”

Other Issues: Other questions continue to be matters of religious contention. The demand for Shabbat closure of major thoroughfares used by non-observant or even non-Jewish individuals, the ultra-orthodox opposition to archaeological excavations in ancient grave sites, the pressure for more stringent abortion laws and the opposition to any recognition of non-orthodox streams in Judaism will no doubt continue to attract considerable attention.

- **Who decides these matters in the State of Israel?**

(iv) The Jurisdiction of Religious Courts [for reference]

Palestine Order in Council 1922

Art. 47 The Civil Courts shall further have jurisdiction ... in matters of personal status as defined in Article 51 of persons in Palestine. Such jurisdiction shall be exercised in conformity with any Law, Ordinances or Regulations that may hereafter be applied or enacted and subject thereto according to the personal law applicable.

Art. 51 ... jurisdiction in matters of personal status shall be exercised in accordance with the provisions of this Part by the courts of the religious communities ... For the purpose of these provisions matters of personal status mean suits regarding marriage or divorce, alimony, maintenance, guardianship, legitimation and adoption of minors, inhibition from dealing with property of persons who are legally incompetent, successions, wills and legacies, and the administration of the property of absent persons.

Art. 52 Moslem Religious Courts shall have exclusive jurisdiction in matters of personal status of Moslems

Art 53 The Rabbinical Courts of the Jewish community shall have:

- (i) Exclusive jurisdiction in matters of marriage and divorce, alimony and confirmation of wills of members of their community other than foreigners as defined in Article 59;
- (ii) Jurisdiction in any other matter of personal status of such persons, where all the parties to the action consent to their jurisdiction;
- **Jurisdiction under (ii) is termed “concurrent” — with the civil (“District”) courts**
- **“Parties” thus have a veto on the application of the jurisdiction of the rabbinical courts in**

matters of personal status where they do not have “exclusive jurisdiction” under (i). But:

- are all persons interested likely to be “parties”?
- is what matters the court exercising jurisdiction, or the law to be applied in that court? Art. 47 of the Palestine Order in Council provided that the civil courts in such cases should exercise its jurisdiction “according to the personal law applicable”, subject to Mandatory legislation.

Rabbinical Courts Jurisdiction (Marriage and Divorce) Law, 5713-1953

1. Matters of marriage and divorce of Jews in Israel, being nationals or residents of the State, shall be under the exclusive jurisdiction of rabbinical courts.
2. Marriages and divorces of Jews shall be performed in Israel in accordance with Jewish religious law.
 - **Thus there is at present no civil marriage and divorce of Jews “in Israel”?**
3. Where a suit for divorce between Jews has been filed in a rabbinical court, whether by the wife or by the husband, a rabbinical court shall have exclusive jurisdiction in any matter connected with such suit, including maintenance for the wife and for the children of the couple.
6. Where a rabbinical court, by final judgment, has ordered that a husband be compelled to grant his wife a letter of divorce or that a wife be compelled to accept a letter of divorce from her husband, a District court may, upon expiration of six months from the day of the making of the order, on the application of the Attorney General, compel compliance with the order by imprisonment.
9. In matters of personal status of Jews, as specified in article 51 of the Palestine Orders in Council, 1922 to 1947, or in the Succession Ordinance, in which a rabbinical court has not exclusive jurisdiction under *this* Law, a rabbinical court shall have jurisdiction after all parties concerned have expressed their consent thereto.

Women’s Equal Rights Law, 1951

1. A man and a woman shall have equal status with regard to any legal proceeding; any provision of law which discriminates, with regard to any legal proceeding, against women as women, shall be of no effect.
2. A married woman shall be fully competent to own and deal with property as if she were unmarried; her rights in property acquired before her marriage shall not be affected by her marriage.
- 5 This Law shall not affect any legal prohibition or permission relating to marriage or divorce.
- 7 All courts shall act in accordance with this Law; a tribunal competent to deal with matters of personal status shall likewise act in accordance therewith, unless all the parties are eighteen years of age or over and have consented before the tribunal, of their own free will, to have their case tried according to the laws of their community.
 - **Why do you think s.5 was necessary?**

(v) Jewish Identity, Conversion and the Law of Return

Law of Return 1950

1. Every Jew has the right to come to this country as an *oleh*
 - **“Jew” was undefined in the Law of Return. Why?**
- 2(a) *Aliyah* shall be by *oleh*’s visa.
- (b) An *oleh*’s visa shall be granted to every Jew who has expressed his desire to settle in Israel, unless the Minister of Immigration is satisfied that the applicant —
 - (1) is engaged in an activity directed against the Jewish people; or
 - (2) is likely to endanger public health or the security of the State.
- 3(a) A Jew who has come to Israel and subsequent to his arrival has expressed his desire to settle in Israel may, while still in Israel, receive an *oleh*’s certificate.
4. Every Jew who has immigrated into this country before the coming into force of this Law, and every Jew who was born in the country, whether before or after the coming into force of this law shall be deemed to be a person who has come to this country as an *oleh* under this Law.

Jonathan Kaplan, “Religion and State”: The most common way for Jews to acquire Israeli citizenship is by virtue of the Law of Return (1950) which allows Jews, irrespective of their age or material status, to settle in Israel. According to the Nationality Law of 1952, Jews who enter Israel under the Law of Return are automatically

eligible for Israeli citizenship. Over the years there has been considerable debate over how the Law of Return should define who is a Jew: in 1962 the Supreme Court ruled that a Jew born of a Jewish mother who had converted to another religion was not to be considered a Jew for the purposes of this law [the *Rufeisen* ('Brother Daniel') case]. The law does not stipulate a particular form of conversion with the result that at present, any type of conversion to Judaism is recognized.

Law of Return (Amendment No.2), 1970

"Jew" means anyone who was born to a Jewish mother or who has been converted, and who is not a member of another religion.

- **Was it mere membership of another religion which was the basis of the decision of the majority in the *Rufeisen* case (see Reading 1 below)**
- **Consider, both before and after the passing of the Law of Return (Amendment No.2), 1970,**
 - (i) **the children of a Jewish father and non-Jewish mother, born in Israel, raised as Jewish (though not converted) and regarding themselves as Jewish (cf. the *Shalit* case)**
 - (ii) **"Messianic Jews" (see Sinclair, "Messianic Jews and the Law of Return", below)**
 - (iii) **People converted to Judaism by non-Orthodox Rabbis (Sinclair, "Defining Conversion To Judaism", below)**

D.B. Sinclair, "Defining Conversion to Judaism" (*The Jewish Law Annual* 10 (1992), 267-270)

In Association of Torah Observant Sefaradim — Tenuat Shas et al. v. Director of the Population Registry at the Ministry of the Interior et al., Shamgar P. defined the legal position regarding the registration of individuals converted to Judaism in Jewish communities in the Diaspora. According to Shamgar P., the requirements of the Population Registry Law, 5725-1965 were fulfilled for the purpose of establishing conversion to Judaism under this Law, when the convert made a statement to the effect that he or she had been converted to Judaism in a Jewish community in the Diaspora and a document was produced attesting to that conversion. There was no distinction — for the purposes of this Law — between Orthodox, Conservative and Reform communities. The religious validity of the conversion ceremony is not relevant to the registration process, and the only reason for refusing to register a convert who fulfilled the above requirement as a Jew in the population registry would be suspicion of fraud on his or her part.

Barak, Beiski and Bach JJ. all concurred with Shamgar P.

Elon D.P. dissented. According to s.3A(2) of the Population Registry Law, 5725-1965, the definition of "Jew" is the same as in s.4B of the Law of Return, 5750-1950, i.e. a person "born to a Jewish mother, or converted to Judaism and who is not a member of another faith". Section 4B of the Law of Return was legislated by the Knesset in 1970 in response to the decision of the High Court in *Shalit v. Minister of the Interior*. In this case, the majority held that the definition of "Jew" was of a subjective nature, and therefore, any *bona fide* declaration by an individual that he was Jewish was sufficient to establish his or her identity under the Law of Return. The legislator's response to this decision came two years later, and it was to define "Jew" in an objective-normative fashion by providing — in s.4B of the Law of Return — a legal criterion for defining Jewish nationality under Israeli law.

The phrase "converted to Judaism" was not coined by the legislator. Its origin lies in Jewish law, and it does not exist in any other normative system. In applying it, therefore, the court must turn to the legal system which gave it birth, i.e. the *halakhah* and its *Talmud*, commentaries, codes and *responsa*. Conversion to Judaism is a precise legal act under Israeli law, the content of which is determined by the *halakhah*. Conversions carried out in Reform Jewish communities lack this quality of legal precision demanded by the Israeli legislator. The content of their conversion ceremonies varies from community to community, and some of the converts in the present case have freely admitted that immersion in a ritual bath was not part of their conversion process. Without such immersion, there can be no halakhically valid conversion. In general, Shamgar P.'s definition is riddled with uncertainty. What constitutes a "Jewish community in the Diaspora"? What is the status of a Jewish community which does not belong to any of the three movements cited above? What is the status of a conversion certificate issued by such a community? The legislator clearly wished to avoid such uncertainty in an area of fundamental constitutional significance, and it would be improper for the court to frustrate this desire for certainty by formulating a very wide and ambiguous test for establishing Jewish identity in the present case.

It is no longer correct to maintain — as it was prior to enactment of s.4B of the Law of Return — that Israeli

law recognizes two definitions of “Jew”, i.e. the halakhic one for the purposes of personal status, and a secular one for the purposes of the Law of Return, the Population Registry Law and the Nationality Law. In the wake of s.4B, a unified definition of the term “Jew” is now applicable to every aspect of Israeli law and it is the halakhic one. This situation is both correct and desirable with respect to a concept which lies at the very heart of the definition of the State of Israel as a Jewish state.

Another argument in support of a halakhic definition of conversion in the Law of Return is the fact that the first criterion in s.4B, i.e. being born to a Jewish mother, is purely halakhic in nature. This argument was expressed by Silberg J. as follows:

S.4B of the Law of Return stipulates two tests of Jewish identity. One is birth to a Jewish mother and the other is conversion to Judaism. The first is clearly a halakhic criterion ... the second must, therefore, also be a halakhic one ... my conclusion is that the phrase “converted” is technical, legal and halakhic, and can only be interpreted in the light of the *Talmud* and its commentaries throughout the ages. Accordingly, a Jewish convert is only someone who underwent circumcision [males only] and ritual immersion.

These words, which were written in 1972, are especially significant in the light of the fact that some ten years later, the Reform movement decided that a child born to a Jewish father but not to a Jewish mother was still Jewish. This drastic deviation from traditional *halakhah* is at complete variance with s.4B, which is based upon the halakhic principle of matrilineal descent in the determination of Jewish identity.

Now, it is true that the Knesset rejected the addition of the phrase, “according to the *halakhah*” to the conversion criterion in s.4B of the Law of Return. It did so, however, because of a desire to avert the great public controversy that such a step would have provoked in Israeli society. Consequently, it left the matter in the hands of the judiciary. The legislator nevertheless maintained the word “converted” in s.4B with all the halakhic implications which this word carries. Surely this is an indication that the Knesset did not reject the notion of a halakhic definition of conversion to Judaism in the Law of Return. It is also noteworthy that the phrase, “converted according to the accepted norms of any of the contemporary streams of Judaism”, which was suggested in the parliamentary debate prior to the passage of the Law of Return, was not accepted by the Knesset. Clearly, it is the halakhic definition of conversion to Judaism which was actually legislated by the Knesset, even though many of its members may have been of a different mind when they were voting for the Law.

It is also true that the population register is not valid evidence of personal status, and the legal significance of the definition of “Jew” under the Population Registry Law, 5725-1965, is therefore of marginal significance only. It would, however, be incorrect to dismiss the purely national aspect of Jewishness as an irrelevancy. The powerful emotions unleashed in the present proceedings are sufficient testimony to the significance of the definition of Jew in these purely national laws for many people. The issue of Jewish identity, even in the context of a secular law, is still of vital significance for the Jewish people, both in Israel and in the Diaspora.

Elon D.P. concluded with an impassioned appeal for the acceptance of an objective-normative approach to Jewish identity in the legal system of the State of Israel, and the preservation of a unified criterion of Jewish identity which could only be achieved by following the halakhic pattern of conversion procedures.

The majority decided against the opinion of Elon D.P. and concurred in the decision of Shamgar P.

The history of “Brother Daniel”: see the second half of Jackson, “Tales of Two Prodigals: Jewish-Christian Relations in the First and Twentieth Centuries”, at <http://www.hope.ac.uk/news/events/distinguished-lectures>

1. Both parents were Jews.
2. He was reared as a Jew.
3. As a youth he was active in a Zionist Youth Movement.
4. He undertook pioneering training in preparation for immigration to Israel [*Hakhsharah*].
5. He was caught by the Gestapo and imprisoned [impliedly as a Jew].
6. After his escape from the Gestapo, he infiltrated the German police and used his position to inform the Jews of German plans against them, as a result of which some 150 lives were saved.
7. When he came under suspicion again, as a result of activity of a Jewish informer [a *moser*], he asserted his Jewish identity and confessed to the help he was giving to fellow Jews. .
8. On his second escape he joined the Russian partisans, but when suspected of being a German spy, was “miraculously” saved by being identified as a Jew by one of the Jews whom he himself had previously saved from the Ghetto at Mir.
9. Having converted to Christianity in the convent to which he had escaped after being denounced by the informer, he chose a monastic order which had a chapter in Israel, with a view to accomplishing his original, pre-Christian goal of immigration to Israel.

10. He applied to his monastic superiors to immigrate to Israel even during the Israeli War of Independence, and again subsequently.
11. In applying to the Polish authorities for a passport, he continued to assert his Jewish identity, notwithstanding his adherence to the Catholic faith.
12. The formal certificate granted to him by the Polish authorities was one which stressed his Jewish identity and which simultaneously stripped him of Polish citizenship, and thus of any right to return to Poland.
13. On arrival in Israel he applied for registration as a Jew on his identity card.

Quotations from the judgment of the Israel Supreme Court (1962): in reading these extracts, ask the following questions:

- **What was the nature of the incompatibility the majority saw between Jew v. Christian?**
- **Was the case about the personal identity of “Brother Daniel” or about the nature of the Jewish identity of the State of Israel itself?**

Silberg J.:

- A “From the outset of this most unusual case I have been faced with a great psychological difficulty. Paradoxically enough this is due to the deep sympathy and great sense of obligation which we as Jews feel for the petitioner, Oswald Rufeisen, known since his conversion as Brother Daniel. The petitioner is a man who during the dark years of the holocaust in Europe risked his life times without number in rescuing his brother Jews by daring feats of courage from the very jaws of the Nazi German beasts. Can he be denied the burning desire of his life to be completely identified with the people which he loves and to become a citizen of the land of his dreams, not as a stranger coming from without but as a Jew returning home?
But this sense of profound sympathy and obligation must not be permitted to mislead us and to justify our profaning the concept of “Jew” both in name and in meaning.”
- B As emerges from the literature cited to us by the State Attorney, the deeply rooted belief that “Jew” and “Christian” are contradictory terms is shared alike by simple people and scholars. In fact the matter is so clear to them that they do not even bother to explain it.
- C Religion is still the clearest external sign which distinguishes the Jewish population from the non-Jewish. Both the Jewish and non-Jewish public well know that the Jewish religion means also Jewish nationalism. A man can be most irreligious and even heretical and still regard himself as being Jewish in the religious sense and also be considered such by his non-Jewish neighbours.

Berinson J.:

- D The State of Israel was established and we became a sovereign nation in our own land enjoying an international status like other nations. Had the petitioner fallen into the hands of the Nazis after embracing Christianity his religion would not have saved him from their murderous claws and he would have fallen victim to them as a *Jew*. Now that the State of Israel has been created and the petitioner comes knocking at its gates, will it refuse to recognize him as a Jew?”
- E The people themselves, however, because of a well developed sense of self-preservation, have decided otherwise, have behaved differently throughout the centuries. For them a Jew who has embraced another religion has withdrawn himself not only from the Jewish faith but also from the Jewish nation and has no place in the Jewish community. Not for nothing is a Jew who has changed his religion called in Hebrew a “meshumad” (meaning “destroyed”) because from the national point of view he is regarded as having destroyed himself and become lost to the nation, both he and his descendants after him. His family mourn for him, rending their clothes, as they would for someone who had really died. All ties with him are broken as if he were indeed dead. In the contemplation of the Jewish people, a Jew and a Christian cannot reside in one person and certainly not a Jew who is a Catholic priest — to them that would be a contradiction in terms.

- F A fresh wind is blowing even in the world of religious creeds. Understanding and cooperation on a scale never known until recent times are gradually replacing hatred and strife. Who would have thought it possible that religious leaders of different faiths would meet together to pray for the peace of the world or to protest against some crying social wrong? Who could have imagined that the day would dawn when Jewish religious leaders would attend a meeting in a Christian church to consult with their gentile colleagues on common public problems? But this kind of thing is only at its beginning and has not yet become part of the consciousness of the people. It will still take a long time, so it seems, before convictions will change and that deeply rooted feeling against Christianity for the wrongs it did to the Jewish people, the pages of whose history are soaked with the blood of martyrs who died in order to sanctify the Holy Name, will disappear. Until that day dawns the petitioner cannot be recognized as a Jew under the Law of Return. ...

Cohn J.:

- G It is true that the history of our people throughout its dispersions is soaked with innocent blood of thousands and tens of thousands of martyrs who were racked and tortured, slain and burnt by the Catholic Church and its retainers for their fidelity to the God of Israel. Even the recent outrages of the Nazi holocaust cannot erase the memory of earlier ones, the martyrdom of the Jewish people under the Roman Empire and in the course of the Crusades, the Inquisition and the European pogroms. The war of the Church against the Jews was total war, and if it could not compass their spiritual annihilation, it meant to destroy them physically. The fact that the Church was intent as it were upon the glory of the Divinity has made no difference to the Jews throughout the ages and given them no comfort. ... If I have correctly understood my learned colleague, Silberg J., he is of the opinion that the historic continuity of the Jewish people from those terrible times till the present day can never permit us to regard anyone as a Jew who has entered into the covenant of the Catholic Church and joined one of its orders. Although the Church has both in theory and in practice ceased to be our mortal enemy, it can no more deny its past than we can deny ours, and a Jewish Catholic will forever remain a contradiction in terms.
- H I myself do not postulate an "historical continuity" such as this. If history is continuous and uninterrupted from the start, this does not mean that it does not change, progress and evolve. On the contrary, changes of times and ideas, evolution of concepts and cultural values, and continuous improvement of ways of life and of law — all these are in the very nature of the process of history. To me historical continuity means continuing to *build* on the foundations of the past, adding brick to brick, renewing and developing — and not remaining stagnant. Never has there been such a revolutionary event in history of the Jewish people, scattered and dispersed amongst the nations, as the establishment of the State of Israel. In the Diaspora we were a minority, tolerated or persecuted, but in our own State we are an independent nation like all other nations. In place of our former status as a minority, whether religious, ethnic, national or racial, we have created for ourselves in our own State "the status of a fully-privileged member of the comity of nations" (as it is expressed in the Declaration of the Establishment of the State of Israel). This revolution is not merely of a political character; it renders imperative a revision of the values which we have imbibed in our long exile. ...
- I At the gates of the homeland which (according to the said Declaration) "the State will open wide to every Jew", the petitioner now knocks and declares: "I am a Jew, let me in." And the Minister of the Interior, who is charged with implementing the Law of Return, refuses to listen because of the gown that the petitioner wears as a Catholic priest, the cross that hangs from his neck, and his self-declaration that his creed is that of the Gentiles. Had he folded his gown, hidden his cross and concealed his creed, the gates would have been opened wide without protest. But he chose to come as he is, openly and without guile, and he finds the gates locked. It is difficult not to recall those Jews who, loyal to their ancestral faith, donned the outward garb of the Christian religion so that they might continue to dwell in the lands beloved to them and harvest the fruit of their toils. How loudly they cried: "We are Christians, open up the gates". But had they revealed their true selves, their devotion to the religion of Israel, all gates would have been closed before them.
- J This was the vision of the prophets of Israel: "Open ye the gates that the righteous gentile which

keepeth the truth may enter in” (Isaiah xxvi, 2). Isaiah speaks of the righteous gentile, and not of priests, levites or of the people of Israel. Almighty God does not disqualify anyone; all are acceptable to Him; the gates are always open and whoever wishes may enter (*Sifra*, Aharei Mot; Shmot Raba, ch. 17).

D. B. Sinclair, “Messianic Jews and the Law of Return”, *The Jewish Law Annual* X (1992), 259-263 (on a later case in the Israel Supreme Court involving “Messianic Jews”)

How does the approach taken by the judges differ from that in the “Brother Daniel” case?

In *Beresford and Another v. Minister of the Interior* (1989) the issue before the Court was the eligibility of Messianic Jews to enter Israel under the Law of Return, 5710-1950. According to s.4B of this Law — as amended in the Law of Return (Amendment no. 2), 5730-1970 — Israeli citizenship is granted as of right to any Jew, i.e. someone born to a Jewish mother, or a convert to Judaism, provided that he or she is not a “member of another religion”. The appellants were Messianic Jews whose beliefs included the divinity of Jesus and his messianic role. The respondent argued that these beliefs rendered the appellants members of “another religion” for the purposes of citizenship under the Law of Return. The Court was also called upon to consider the proposition that evidence of the appellants’ baptism by a Christian clergyman would be sufficient grounds to establish their membership in “another religion” irrespective of their subjective religious beliefs.

Elon D.P. began his judgment with a discussion of the criteria for defining membership of another faith in the context of the Law of Return. In *Dorflinger v. Attorney General*, Witkon J. held that these criteria were those dictated by the other faith. One of the main reasons for adopting this position was the fact that the Jewish religion defined a Jew as someone born to a Jewish mother, and refused to recognize the validity of conversion to another religion. Since this definition was already covered in the first part of s.4B, the phrase “and who is not a member of another religion” must refer to the identity criteria of that faith. Elon D.P. took issue with Witkon J.’s approach and argued that membership of another faith ought to be determined in accordance with criteria drawn from Jewish sources. The issue of the status of an apostate in the Jewish tradition was much more complex than the simple proposition of non-recognition of conversion articulated by Witkon J. An apostate born to a Jewish mother is deprived of a whole range of socio-legal rights, which results in a serious weakening of his or her affiliation with the family, the community and the entire nation of Israel.

A prime illustration of this weakening is the tradition, dating from Gaonic times, that an apostate does not inherit his father. According to R. Natronai Gaon, the exclusion of an apostate from the laws of inheritance is derived from the archetypal succession law in the Jewish tradition, i.e. the inheritance of the Land of Israel by the progeny of Abraham:

An apostate does not inherit from his father ... since he has lost the sanctity of his lineage ... for it is written: ‘And I will give to you and to your seed after you the land of your sojournings.’ One who possesses sanctity of lineage inherits; an apostate does not.

R. Solomon b. Duran, writing in fifteenth-century Algiers, concludes a lengthy discussion of the question of inheritance by an apostate as follows:

Now that it has become an established custom throughout Israel to exclude an apostate from succeeding his father, the custom gains the force of law and no Jewish apostate is permitted to inherit from his relatives.

Another area in which an apostate is cut off from the family and community is in the context of the laws of mourning. R. Asher b. Jehiel, who lived in thirteenth-century Germany and Spain, was asked whether mourning rites should be performed for an apostate. R. Asher replied in the negative on the grounds that a person who “separates himself from the congregation” does not merit the performance of mourning rites on his behalf.

It is also noteworthy that in a fifteenth-century German *responsum*, an apostate is removed from the category of “Jew”:

It once happened that a young man took a vow not to gamble with any Jew. He asked the rabbi if he could gamble with an apostate living in Neustadt. The rabbi gave him permission since an apostate is not called a Jew. Although the *Talmud* states that a “sinful Israelite remains an Israelite,” he is nevertheless not called a Jew, and the vow does not, therefore, apply to him.

The Talmudic statement regarding a “sinful Israelite” refers to the apostate’s obligations in the area of personal status, i.e. intermarriage, divorce, levirate marriage and halitsah, and not to socio-legal rights, e.g. inheritance and mourning.

An accurate formulation of the halakhic status of an apostate is provided in the following excerpt from the commentary of R. Menahem Hame'iri, one of the outstanding Medieval Talmudists, who lived in Provence in the thirteenth century:

Any Jew who leaves the Jewish religion and enters another faith is considered by us as a member of that faith in all respects except for marriage and divorce.

Elon D.P. concluded that since citizenship was a socio-legal right, it would not be granted to an apostate under Jewish law. It was therefore possible to argue that the requirement that a Jew under the first part of s.4B not be a "member of another religion" ought to be interpreted in terms of the faith criteria of Judaism and not of the other religion.

Other problems arising from the definition of "another religion" in terms of that religion are the difficulties of establishing the identity criteria of other faiths, especially if they lack simple institutional tests such as baptism. There is also the problem of conflicts between the identity criteria of Judaism and those of the other religion. Under Jewish law, the child of a Moslem father and a Jewish mother is Jewish: Islamic law, however, regards such a child as a Moslem. How is the Court to decide in such a case? Is it conceivable that in such a case, the child would not be recognized as a Jew under the Law of Return? Clearly, such a result is entirely unacceptable. According to Elon D.P., therefore, membership in another religion is to be defined in terms of Judaism and Jewish history.

The second point made by Witkon J. in the *Dorflinger* case was that the nature of the test of membership in another religion was theological rather than institutional. The mere fact of baptism did not strip a Jew of his identity unless it was accompanied by an acceptance of Christian religious doctrine. In that case, the petitioner believed in the divinity of Jesus and was therefore excluded from the definition of Jew under the Law of Return, even though she had not been baptized. In the present case, therefore, evidence of baptism was irrelevant. The only question was the compatibility of Beresford's Messianic beliefs with a Jewish definition of membership in another faith.

Elon D.P. held that the appellant's belief in the divinity of Jesus constituted a rejection of two thousand years of Jewish history, i.e. from the split between Judaism and Christianity in the second century, until the present day. The fact that certain types of Messianic Jews existed in Second Temple times was irrelevant for the purpose of defining Jewish identity under the modern Law of Return.

In the final analysis, the petition failed both in terms of the approach adopted by Witkon J. and that articulated by Elon D.P. himself. Belief in the divinity of Jesus is the hallmark of membership in "another religion" according to both approaches.

Barak J. concurred with Elon D.P. in rejecting the petition; he did, however, dissent in relation to the criteria used by Elon D.P. for defining Jewish identity for the purposes of the Law of Return. Elon D.P.'s definition constituted a departure from the secular one applied by the Court in the celebrated case of *Oswald Rufeisen v. Minister of the Interior*. In this case, the Court had ruled that Jewish identity in the context of the Law of Return was to be defined in terms of secular Jewish history and culture. Elon D.P.'s use of "Judaism" in his definition of s.4B, and his references to Jewish law, constituted a departure from this precedent. Moreover, Elon D.P.'s approach — based as it was on Judaism and Jewish law — was a static one which would not admit of any change in the future. The secular approach adopted in the *Rufeisen* case was more dynamic in nature and was capable of undergoing change in the course of time. The substance of Barak J.'s definition of Jewish identity for the purposes of the Law of Return was the existence of an "effective link" with another religion. The existence of such a link would constitute, according to the majority of secular Israelis today, a bar to secular Jewish identity under the Law of Return. The petition was, therefore, to be ejected. (Halima J. concurred.)

3. Readings for postgraduate students [Reply by e-mail]

Unterman, *The Jews*, pp.10-15, 73-80,

Rosen, J., 'Who is a Jew?': <http://www.jeremyrosen.com/blog/index.php>

http://en.wikipedia.org/wiki/Ahad_Ha'am

http://en.wikipedia.org/wiki/Religious_Zionism

On Ahad Ha'am: http://en.wikipedia.org/wiki/Ahad_Ha'am

On Religious Zionism: http://en.wikipedia.org/wiki/Religious_Zionism

Jonathan Kaplan, "Religion and State": http://www.jajz-ed.org.il/juice/2000/israeli_society/is5.html

Bernard Jackson, "Tales of Two Prodigals: Jewish-Christian Relations in the First and Twentieth Centuries", video of Lecture the second half of which is devoted to the "Brother Daniel" case: <http://www.hope.ac.uk/news/events/distinguished-lectures>

Further Reading

- Alexander, *Textual Sources*, pp.53-57 (time-line)
- Bazak, Y., "The Halachic Status of The Israeli Court System",
<http://www.jlaw.com/Articles/israelcourt.html>
- Cohn-Sherbok, *The Jewish Heritage*, pp.184-90
- Elon, M., "The Period of Jewish National Awakening", in *Encyclopedia Judaica* vol. XII:, pp.141-145
(CD-Rom in library)
- Englard, I., *Religious Law in the Israel :Legal System* (1975)
- Landau, A.F., *The Jerusalem Post law Reports* (1993)
- Silberg, M., *Talmudic law and the Modern State* (1973)
- On Herzl: http://www.zionism-israel.com/bio/biography_herzl.htm
- On Rav Kook: http://en.wikipedia.org/wiki/Abraham_Isaac_Kook

Questions:

1. Were the sources of Zionism religious or political?
2. What does it mean to describe Israel as a "Jewish State"?
3. What light does the "Brother Daniel" case cast upon different conceptions of Jewish identity?

Guide to Internet Resources in Jewish Studies

The Center for Online Judaic Studies (COJS)

http://cojs.org/cojswiki/Main_Page

Sections (with introductory texts, primary and secondary sources, and illustrations) on

1. [Dead Sea Scrolls](#)
2. [Bible and Beyond: Archaeology and Ancient Documents](#)
3. [The Hebrew Bible](#)
4. [Digging Jerusalem: a Web-Based Archaeological Dig](#)
5. [Jews and Judaism in the Greco-Roman Period](#)
6. [The Jews of Medieval Western Christendom, 1000-1500](#)
7. [Jewish Mysticism And Esotericism](#)
8. [Jews in the Early Modern Period, 1450-1750](#)
9. [Returning and Redemption of the Promised Land: From Abraham to Einstein](#)

Nathan Laski Internet Resource Centre

<http://www.mucjs.org/laski/home.htm>

An excellent portal to internet resources for the study of all aspects of Judaism. A good place to start.

Wikipedia: Judaism

<http://en.wikipedia.org/wiki/Judaism>

The Wikipedia is probably the best single resource on-line for the study of Judaism. Its coverage is vast, the articles are generally accurate, at least as to basic facts, though the analysis is very uneven. At the end of each article is a valuable list of live-links to other useful internet sites. If used with discrimination and caution this is a superb source of basic information.

User comments: "Wikipedia covers quite a lot. It is very good for basic understanding, but it is important to be wary of this site due to the fact that anyone can edit it."

Wikisource: Judaism

http://en.wikisource.org/wiki/Main_Page

This contains a useful collection of primary sources for the study of Judaism in English translation. The coverage is patchy, but there is some excellent material here. Relevant items in Wikisource are usually cross-linked from Wikipedia.

Jewish Encyclopedia

<http://www.jewishencyclopedia.com>

"This is the old Jewish Encyclopedia of 1901-06 on-line. Though dated it is still useful and very academic. "Useful if you're looking for an entry on some specific thing, but otherwise can be overwhelming and difficult to navigate."

Questia: Judaism

<http://www.questia.com/library/religion/judaism.jsp>

This has a vast range of top-notch academic books on Judaism on-line, including some excellent short introductions to Judaism (Norman Solomon, Nicholas de Lange, Jacob Neusner). Has annoying pop-ups and adverts if you are trying to read on-line, but a first-rate academic resource.

Judaism 101

<http://www.jewfaq.org/toc.htm>

A kind of encyclopaedia of Judaism, strong on practice and belief, less good on history. Strongly confessional (Orthodox perspective). Non-academic, so needs to be used with caution. Cross-links to other websites.

Jewish Calendar

<http://www.jewfaq.org/calendar.htm>

User comments: "This website was useful for referencing the Jewish calendar in relation to the Gregorian one. I found it to be useful when studying the festivals, as I could see when they fall in the Gregorian year. Although it is written in the first person by a Jewish person, and not an academic source it was recommended by the BBC website so I feel that it is a reliable source on this aspect."

Encarta

http://encarta.msn.com/encyclopedia_761556154_1_3/judaism.html#s3

This is the Judaism section of Microsoft's Online Encyclopaedia, Encarta. The entry is brief, but basically sound, and contains a useful overview of Judaism.

BBC – Religion and Ethics

<http://www.bbc.co.uk/religion/religions/judaism/>

Part of the BBC website. An attractive and basically sound overview of Judaism, containing lists of links to interesting articles ranging from beliefs, holy days, and customs to the Holocaust and ethics. Some cross-links. Very basic and generally Orthodox perspective, but a useful read. Some good visuals.

User comments: "I found this website to be extremely helpful in giving a general overview of the key dates, figures, practices, and issues in Judaism. It also gives information on the Jewish ideas on several ethical issues such as abortion, euthanasia, suicide, and war. I used it mostly for looking up the festivals, as it gives a relatively detailed article for each of the Jewish holidays. It gives an explanation of what the festival is, a brief history, and the rituals and practices associated with it. I found it to be a reliable source for the festivals and the history as it correlated with what we learned in class, and also with other more academic texts."

"The multimedia aspect of the website allows the reader to engage with the audio and visual elements of Judaism as well as just text."

Reform Judaism

<http://rj.org/whatisrj.shtml>

An interesting if brief piece describing what Reform Judaism is. Acts as a handy portal to other Reform Judaism websites. Totally confessional, but good.

Orthodox Judaism

<http://philtar.ucsm.ac.uk/encyclopedia/judaism/orth.html> -

A brief look at the doctrines, history and symbols of orthodox Judaism. Confessional but academic tone. A useful overview.

Hasidism

<http://www.chabad.org>

"Hasidic website which offers well-presented and comprehensive information on Jewish matters."

Religion Facts

<http://www.religionfacts.com/judaism/timeline.htm>

Big, well organized website. Basic facts about Judaism. Strong on practices, less good on history. Non-critical, but basically sound.

User comments: "This website was useful as a reference to the major events in Judaism. It gives the key events in history from 0 to 2003CE, which gives more detail than some other websites did. It also cites the Encyclopaedia Britannica as one of its sources, as well as academic texts, so I feel that it is reliable."

Kashrut.Com

http://www.kashrut.com/articles/soul_food/

Fundamentally practical in orientation, i.e. aimed at practising Jews.

User comments: "This website gives the laws for kosher food in Judaism. I found it useful as background knowledge into what foods are allowed in Judaism, and the process of making meats kosher."

Religious Tolerance

www.religoustolerance.org

User comments: "Description of Judaism, the Hebrew Scriptures, stories in the Hebrew Scriptures, religious groups blending Jewish culture with non-Jewish theology:

Jewish Humanism - A faith group with Humanist beliefs

Messianic Judaism - A faith group with an Evangelical Christian theology

Black Hebrew Israelites - A group believing that African Americans and other inhabitants of North and South America are the twelve lost tribes of Israel

Seasonal days of celebration - Jewish beliefs about: abortion, homosexuality and the environment."

Jewish History

<http://www.jewishhistory.org.il/history.php?startyear=69&endyear=199>

includes a large number of historical dates provided on a timeline:

“The history of the Jewish people – very good for any dates and information.”

EJ articles

Elon, M., “Mishpat Ivri”, article in *Encyclopedia Judaica* vol. XII:109ff., sections on “The Different Periods of Jewish Law” (121-123), “The Evolution of Jewish Law” (129-131), “The Era of Emancipation” (139-141), “The Period of Jewish National Awakening” (141-145), with cross-references to other articles in the *Encyclopedia*

Elon, M., “The Relationship between Jewish Law and Foreign Law”, *Encyclopedia Judaica* vol. XII:137-139

www.guardian.co.uk/world/judaism

“Useful for current news items which touch on Jews and Judaism.”